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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-1694-2025 (O&M)
Date of decision: 24.07.2025

Avtar Singh

....Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Sanghi, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Lakhan Paul Garg, Advocate for
Mr. J.S. Gill, Advocate
for the complainant/respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

The present appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking regular bail in case bearing FIR No.19 dated 04.02.2025 under Sections 115/110/117(2)/190/191(2)/191(3)/324(4)/333/351(3) of BNS and Section 3(1) (R)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Rori, District Sirsa, Haryana (Annexure P-2). During investigation Section 25 of Arms Act and Section 109 of BNS have been deleted.

Succinctly, the facts of the case are that on 02.02.2024, the son, husband and nephew of the complainant had brought a trolley of *turi* (fodder) to her house. At that time, Parhlad, Sanwar Lal, Hanuman had talked to them that the trolley was causing hindrance in their way and had also abused them. Thereafter, the matter was compromised in *panchayat* on 03.02.2025 and due to enmity, the above said persons threatened to kidnap and kill the son of the



complainant. It is further alleged that around 07:30 P.M., the said accused persons parked a vehicle outside the house of the complainant and inflicted injuries upon her husband, her brother-in-law, Jagdish and her son and also fired a bullet and all were got admitted in the hospital. On the intervening night of 03/04.02.2025 at around 01:00/1:30 A.M., the ladies and girls were alone in the house and then the accused persons along with the accused/appellant and 15/20 other unknown persons came to their house in a vehicle and broke open the gate of their house and started vandalizing and also fired shots with an intention to kill and also leaked the gas cylinder in their house and thus, the instant case.

Learned counsel for the appellant *inter alia* contends that the appellant has been falsely implicated in the present case and he is behind the bars since 06.02.2025. The investigation of the case is complete. Further, the FIR (*supra*) has been recorded for three separate incidents. The appellant is accused of participating in the third incident for which there is no medico legal report to corroborate the version containing the third incident. Further, with the intervention of the respectables of the society, the accused party and the complainant including the injured witnesses have effected a compromise. The appellant along with other accused have already filed a petition bearing CRM-M No.39138 of 2025 seeking quashing of the FIR (*supra*) on the basis of compromise.

Mr. Lakhan Paul Garg, Advocate for Mr. J.S. Gill, Advocate puts in appearance on behalf of the complainant/respondent No.2, namely, Maya Devi, and waives service and affirms the factum of compromise and submits that he has no objection if the appellant is enlarged on regular bail.



The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the appellant on the ground that the appellant has actively participated in the alleged incident and his complicity is duly established. He further submits that the appellant is involved in other cases also. However, he could not controvert the fact the investigation of the case is complete and the petition seeking quashing of the FIR (*supra*) is pending before this Court.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the appellant is behind the bars since



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06.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/appellant. Keeping the appellant in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '*Prabhakar Tewari Vs. State of U.P. and another*' 2020 (1) R.C.R. (Criminal 831) and '*Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another*', 2012 (2) SCC 382, the involvement of the appellant in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present appeal is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the appellant-Avtar Singh, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

24.07.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No