



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

226

**CRM-M No.47091 of 2025
Date of decision : 1.9.2025**

Desraj @ Jagdish**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

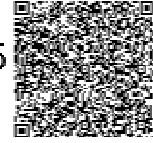
Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Deepinder Singh Virk, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

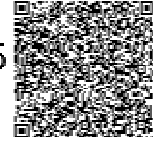
1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.233 dated 19.6.2024, under Sections 302, 201, 34 and 120-B of IPC, registered at Police Station Sadar Sirsa, District Sirsa.

2. The brief facts of the case are that on 04.06.2024, at about 2:00-3:00 AM, one Saravjeet Kaur was allegedly murdered by her father-Desraj (present petitioner), in the house. The petitioner initially confessed to the crime before his close relatives and convinced them to help him in disposing of the body by cremating it at the village cremation ground within hours. The Sarpanch and Lambardar of the village were reportedly present during the cremation. Saravjeet Kaur, a post-graduate, had been in



a relationship with a boy from Vedwal, and despite her father's objections, she insisted on marrying him. The petitioner unable to change her decision, killed her. After the cremation, during the Bhog Ceremony on 09.06.2024, the villagers suspected the petitioner for the murder, but no one reported the crime to the police. The boy Saravjeet who was in love with deceased also did not inform the authorities either. The complainant, Kartar Singh, hearing about the incident from the villagers, believes that the murder of the deceased was committed by her father Desraj (present petitioner) and thereafter, the impuged FIR has been registered.

3. Learned counsel for the petitioner *inter alia* contends that the alleged incident has taken place on 03.06.2024 and FIR (supra) was registered on 19.06.2024, by the complainant on the basis of hearsay. As per the case set up by the prosecution, it has been alleged that from some reliable sources, the complainant has learnt that the petitioner has committed the murder of his daughter– Saravjeet Kaur and his brother and in a clandestine manner, the cremation of the daughter was done. Learned counsel for the petitioner refers to the statement of the witnesses and submits that the cremation of the deceased –Saravjeet Kaur, daughter of the petitioner was attended by Sarpanch, Lambardar and other villagers and further the statement of the doctor is available on record as Annexure P-7, who was called by the petitioner and he has checked the medical condition of the daughter of the petitioner. The investigating officer has recorded the statements of 02 persons, who also have made the allegations only with regard to suspicious killing of Saravjeet Kaur. Further the son



of the petitioner has moved an application before the learned jurisdictional Court for preserving the CCTV footage of the hospital where the daughter of the petitioner was taken when her health deteriorated, however, the investigating officer could not retrieve the data of the CCTV footage because of the lapse of time. Further the complainant made a U-turn from his earlier statement and submits that he has enquired and found that the the petitioner has not killed his brother and he had died in an accident. Lastly, the petitioner is behind the bars since 19.6.2024.

4. Learned counsel for the petitioner further submits that there are total 22 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that it is a case of honour killing and the petitioner along with his son are responsible for killing Saravjeet Kaur as they suspected her relationship with a boy and the material witnesses are yet to be examined.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 19.06.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 22 prosecution witnesses, no PW has been examined so far.



7. A two Judge Bench of Hon'ble Supreme Court in "***Satender Kumar Antil vs. 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."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner 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.

9. In view of the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned

2025:PHHC:117775



CRM-M No.47091 of 2025

-5-

Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(SUMEET GOEL)
JUDGE

1.9.2025
Ashwanii

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No