

**CRM-M-21116-2025 (O&M)****1****224 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-21116-2025 (O&M)
Date of Decision: 29.04.2025****PARVEEN @ BHOLA****...PETITIONER****Versus****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ajay Poonia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

*********Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 324 dated 06.05.2022 registered under Sections 148, 149, 341, 307, 120-B, 201, 212 of Indian Penal Code and Section 25 of Arms At at Police Station City Hansi, District Hansi.
2. The brief facts of the case are that on 05.05.2022, PSI Nitin received an information that Daljeet, Amit, Deepak, and Rakesh had sustained gunshot injuries and were admitted to General Hospital, Hansi. He reached the hospital and obtained their OPD slips, and informed the FSL team. He then visited the place of occurrence, prepared the site plan, and later on obtained the medical ruqa from concerned Hospital. The doctor declared all injured fit for making the statement except Rakesh. In the statement, Daljeet Singh alias Daljeet stated that he was travelling with Amit, Deepak, Bintu and Rakesh in a Scorpio car from Prem Nagar, Bhiwani to Sisai Bolan and near Sainipura flyover, their vehicle was intercepted by two cars. From the front car, Parveen

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alias Bhola and Vishal armed with firearms got down, and from the rear car, 4–5 persons also alighted and they all started firing at them with the intent to kill. Daljeet was hit on the right shoulder, left hand, and thigh, while others were also injured. They escaped and took shelter in the Grain Market Police Post. The attack was allegedly carried out at the instance of Sunil, Rishabh alias Chotu, and Krishan. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely nominated as accused in the present case with the aid of Section 120-B of IPC. As per the case set up by the prosecution, the petitioner has supplied the whereabouts of the victims to the other assailants. Further, there is no legal evidence brought on record to prove the complicity of the petitioner and 03 of the similarly situated co-accused namely Karamjit, Sunil and Rajesh @ Dada have been granted the concession of regular bail by this Court vide order dated 21.04.2025 (Annexure P-3). It has further been contended that one of the eye-witness i.e. Bantu has been examined by the prosecution as PW-2, who has not supported the case of the prosecution and has been declared as hostile by the Public Prosecutor. Out of total 36 Pws, only 04 Pws have been examined till date and the petitioner is behind the bars since 01 year 08 months and 19 days. Further the ingredients of Section 307 of Indian Penal Code are not made out against the petitioner.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that there is sufficient material available on record to prove the his complicity in the alleged occurrence. However, learned State counsel could not controvert the fact that petitioner is behind the bars since 01



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year 08 months and 19 days and out of total 36 prosecution witnesses, only 04 have been examined so far.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 years 08 months and 19 days as on 28.04.2025 and only 04 Pws, out of total 36 Pws have been examined till date. Thus, conclusion of trial will take considerable long time. Further, the petitioner is not involved in any other case.

6. 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."

7. 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.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Parveen @ Bhola is ordered to be released on regular bail during pendency of



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the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

29.04.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No

Yes/No