



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

228

**CRM-M-10156-2025 (O&M)**

**Date of decision: 28.04.2025**

Karan

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Vishesh Dogra, Advocate  
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

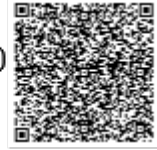
1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.135 dated 02.07.2024 registered under Sections 108 and 78 of BNS, 2023 (Section 108 of BNS, 2023 stands deleted and Section 107 of BNS, 2023 added later on) at Police Station Dasuya, District Hoshiarpur.

2. In brief the case of prosecution, as per the statement of complainant Rajwinder Kaur, is that she is a home maker. Her husband is doing private job of driver. She is having two daughters. Her elder daughter is Sandeep Kaur and younger daughter i.e. prosecutrix is of 16 years of age and she was studying in 10<sup>th</sup> class in Senior Secondary School, Dhanoa. The petitioner Karan used to harass her on the way and in this regard, the prosecutrix had told the complainant. The complainant had made the petitioner understand not to harass the



prosecutrix otherwise she will disclose the matter to his parents and also report the matter to the police. Due to summer vacations, the prosecutrix remained at home. On 01.07.2024, on opening of school, the prosecutrix went to her school and when she returned after closing her school, she disclosed to her mother that today also Karan had followed her on the way and harassed her. The complainant told her to go to her school and she (complainant) will come behind her and if he will harass her on the way, she will complain to his parents and respectables of the village and if he will not mend his ways, then she will report the matter to the police. On 02.07.2024, at about 10.00 AM, the complainant came to know that due to harassment given by the petitioner, the prosecutrix has committed suicide by jumping in the canal of Uchhi Bassi. On the basis of the statement made by the complainant, the impugned FIR was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated. There is no evidence available on record which would make the petitioner liable for abetment as provided under Section 107 of BNS, 2023. Further the petitioner has not been in touch with the deceased immediately before her death as such the allegation of harassment by the petitioner on 01.07.2024, has no proximity or nexus with the suicide of the deceased on 02.07.2024. Furthermore, the petitioner was a young boy of 18 years at the time of alleged incident and is having clean antecedents. Further, the factual ingredients to make out a case of abetment are not available on record.

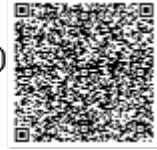


Lastly, he submits that the investigation of the case is complete and the final report has already been submitted before the jurisdictional Court and the petitioner is in custody since 03.07.2024.

4. Learned counsel for the petitioner further submits that there are total 09 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 has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has been continuously harassing the deceased, which compelled her to commit suicide as such, the complicity of the petitioner is duly proved on record, however, he could not controvert the fact that the petitioner is a young boy of 19 years of age and he is not involved in any other case.

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 from the last 09 months and 20 days. 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 09 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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Karan 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 Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**28.04.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No