



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

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CRM-M-14308-2025
Date of decision: 31.07.2025

Manvinder Singh @ Mohit Malik

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Pallavi Babbar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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.0685 dated 13.12.2024 registered under Sections 109(1), 115, 117(2), 118(1), 190, 191(3), 324(4), 333, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') (Section 238 of BNS, 2023 added later on) at Police Station Thanesar Sadar, District Kurukshetra.

2. As per the prosecution version, the FIR (supra) was registered on the complaint of Bhawar Singh, who runs New Shere Punjab Dhaba on G.T. Road, Tyoda Deh. His brother-in-law, Sharwan Kumar, operates a nearby Dhaba named Guru Kripa. On 09.12.2024, Sharwan had an altercation with a salesman at Masana Liquor Vend, owned by Kausalinder Malik. The next day, Kausalinder Malik, his son Mohit Malik, Narender, Badal, and two unknown persons arrived at



Sharwan's Dhaba in a vehicle bearing No.HR-07Q-5444, armed with wooden stumps, and verbally abused and threatened him. In the early hours of 11.12.2024, Bhawar Singh was informed via dial 112 that Sharwan Kumar had been assaulted and hospitalized. At LNJP Hospital, Sharwan was referred to PGIMER Chandigarh due to serious injuries. Upon visiting the Dhaba, Bhawar learned that around 2–2:30 AM, Kausalinder Malik, Mohit Malik, Narender, Badal, Manju, Sukhwinder @ Sukhi, Rajat, Rahul and 7–8 unknown persons attacked Sharwan with a gandasi and wooden stumps, ransacked the premises, and broke open the door. The assault and vandalism were captured on CCTV, and Sharwan remains under treatment for severe head and leg injuries.

3. Learned counsel for the petitioner *inter alia* contends that the similarly situated co-accused Lovely @ Badal has already been granted the concession of regular bail by this Court vide order dated 20.02.2025 passed in CRM-M-1581-2025. Admittedly, the injury for which the offence under Section 109 of BNS, 2023 has been invoked, is specifically attributed to co-accused Rajat whereas the petitioner is alleged to have given fist blows on the face of the injured. The petitioner has suffered the incarceration of more than 07 months.

4. Learned counsel for the petitioner further submits that the petitioner is having clean antecedents and is not involved in any other case. There are total 12 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 actively participated in the alleged incident and he was member of the unlawful assembly, however, he could not controvert the fact that the petitioner 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 07 months and 15 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 12 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 above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Manvinder Singh @ Mohit Malik is ordered to be released on regular bail during pendency of the trial, on 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

31.07.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No