



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-24120 of 2025

**Reserved On: 06.11.2025
Pronounced On: 07.11.2025**

Lokesh Yadav

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Bhanu Partap Singh, Advocate
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 120B, 171, 406, 420 and 468 of the Indian Penal Code, 1860 hereinafter being referred as “IPC” only, the FIR No. 60 dated 10.04.2024 has been lodged in Police Station Sadar Rewri, District Rewari, Haryana.

2. During the course of investigation of above mentioned case, the petitioner was arrested on 22.12.2024. The petitioner is in custody since then, and therefore, for the concession of bail he has approached this Court, by virtue of present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only. This is first petition for bail filed by the petitioner.

3. The allegations as contained in the FIR are that the petitioner was introduced to the complainant by one Devender in whose premises the

coaching institute in the name of 'JOB TACK, Brass Market, Rewari' was situated. According to complainant, the petitioner projected himself to be an Assistant Commandant in Central Industrial Security Force, hereinafter being referred to as "CISF" only, and allured the complainant by stating that he can ensure his job in CISF. According to complainant, on account of above mentioned allurement, a sum of ₹6,29,000/- was paid to the petitioner but the promise made the petitioner failed to meet his commitment.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner has already suffered a long incarceration, i.e. for a period of ten months & nine days, and that nothing is left to be recovered from the possession of the petitioner, and that the trial is progressing at a very slow pace, as out of 16, only three prosecution witnesses have been examined so far. As per the learned counsel for the petitioner, the petitioner is entitled for the benefit of bail.

6. Per contra, the learned State counsel has contended that allegations against the petitioner are of serious in nature who, by introducing himself to be a public servant, has duped the complainant.

7. The record has been perused carefully.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

i) that the petitioner is already in custody for period of more than ten months;

ii) that the offence is triable by the Court of Judicial Magistrate;

- iii) that the petitioner has no criminal antecedents;
- iv) that the trial is not progressing at a reasonable place as in the last ten months, out of 16, only three prosecution witnesses have been examined;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that detention of the petitioner in judicial lock-up is not likely to serve any purpose; and
- v) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence the prosecution witnesses.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) R.C.R. (Criminal) 131, has observed that “*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being*

incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the above mentioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”*

11. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’**, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that *“if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution*

has been infringed.” It has also been observed by the Hon’ble Supreme Court of India in the above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.”

12. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in ***“Balwinder Singh versus State of Punjab and Another”, SLP (Crl.) No.8523/2024.***

13. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- a) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;

- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

16. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

November 07, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No