

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

CRM-M No.30195 of 2025 (O&M)

Reserved on: 16.10.2025

Date of Decision: 29.10.2025

Dharambir @ Dholu @ Gholu

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

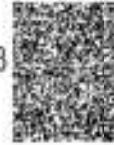
Argued By: Mr.Sanchit Punia, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302 and 452 of IPC [Section 25 of Arms Act added later on], the FIR No.419 dated 19.05.2024, has been lodged in Police Station Sadar Hisar, District Hisar. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being on the basis of statement of complainant Anoop, who stated that on 19.05.2024 when he was working at the house of Rishi Kumar, at about 12.30 P.M. his co-worker Asha Ram informed him that his wife namely 'Sarita' had been stabbed with knife and he should immediately go to his home. According to complainant, on receipt of above mentioned information he went to his house and found that his wife Sarita, drenched with



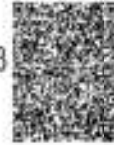
blood, was lying dead near hearth. According to complainant, his mother Saraswati was also present there and she told her that at about 12.30 P.M. when she was sleeping in her room Sarita hastily entered in her room, followed by Dharambir, who stabbed her with a knife. According to complainant, his mother Saraswati also told him that when she tried to rescue Sarita, Dharambir had threatened her with knife, and therefore, out of fear she rushed towards the house of Suresh for help.

3. It is the case of the prosecution that on the basis of above mentioned statement formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation the petitioner was arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that a false story with regard to involvement of petitioner in the commission of crime has been cooked-up by the Investigating Agency. According to learned counsel for the petitioner the entire prosecution case is resting upon the eye-witness account comprising of Smt. Saraswati and duly supported by Suresh and Asha Ram.

6. The learned counsel for the petitioner has further contended that all the above mentioned three witnesses have already been examined and they have not supported the prosecution case qua the fact that injury on the person of Sarita, which proved to be fatal, was inflicted by the petitioner. While referring to the contents of the testimony of Saraswati Devi, examined as PW5,

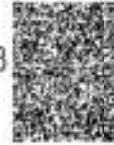


Suresh, examined as PW-7, and Asha Ram, examined as PW9, the learned counsel for the petitioner has argued that in view of the statements of above mentioned witnesses the credibility of prosecution case stands demolished in the present case, as none of them has supported the prosecution case qua the identity of petitioner.

7. Per contra, the learned State counsel has argued that allegations against the petitioner are quite specific and categorical and that there is ample evidence against the petitioner irrespective of the non-cooperation of eye-witness Saraswati. According to learned State counsel the gravity of offence committed by the petitioner in itself speaks in volume against him and that in the given fact-situation the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of the record shows that in the present case the entire prosecution case, with regard to identity of the petitioner as assailant, is resting upon the plea that it was Smt. Saraswati Devi who had seen the petitioner armed with knife and following Sarita Devi, the deceased, with an intent to inflict injury on her person. The testimony of Smt. Saraswati Devi has already got recorded her statement during the course of trial, wherein she has not supported the prosecution case qua above mentioned aspect. In the present case, the prosecution has also tried to build up a case, with regard to involvement of petitioner in the commission of crime, on the basis of statements of PW-9 Asha Ram and PW-7 Suresh, but they, too, have not supported the prosecution case with regard to involvement of petitioner in the commission of crime.

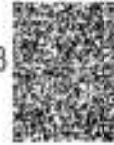


10. In addition to above mentioned factors there are several other factors also, which are required to be taken into consideration at this stage.

They are:-

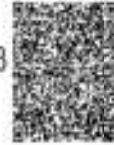
- i) that the petitioner is already in custody for a period of 1 year and 05 months;
- ii) that the petitioner has no criminal antecedents except a case under Section 323 IPC;
- iii) that statement of material witnesses have already been recorded, and, therefore, there is no chance of influencing of witnesses by the petitioner;
- iv) that nothing is left to be recovered from the possession of the petitioner;
- v) that trial of the case is not likely to be concluded in near future;
- vi) that detention of the petitioner in judicial lock up is not likely to serve any purpose;
- vii) 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 witnesses.

11. 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”.

12. 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 abovementioned 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”.

13. 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***.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

15. 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 bail bonds and surety to the satisfaction of trial Court, subject to the following conditions:-

- i) 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 from closing such facts to the Court or to any other authority;
- ii) 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 final disposal of the case;



and

iii) that the petitioner shall not leave India without prior permission of the trial Court.

16. 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.

(SURYA PARTAP SINGH)
JUDGE

29.10.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

