



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

01

CRM-M-34619-2024
Reserved on: 06.11.2025
Pronounced on : 10.11.2025

SARJU PARSAD

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. G.K. Mann, Sr. Advocate with
Mr. Anmol Jeevan Gill, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 302, 381, 120-B, 411 and 201 IPC, the FIR No.056 dated 23.01.2008, has been lodged in Police Station Civil Lines, Amritsar District Amritsar. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is second petition for bail filed by the petitioner under Section 439 of Cr.P.C.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Harmanpreet Singh, who stated that his uncle namely Bhupinder Singh alongwith his wife, son, daughter-in-law and grand daughter were residing in the adjoining house. As per complainant



on 23.01.2008 at about 05:00 P.M. when he was going towards his home he noticed that the domestic servant of his uncle, namely Anil, alongwith another young boy was carrying a bag and going away from the house of his uncle. According to complainant he called his sister-in-law namely Sandeep Kaur and asked about the whereabouts of her servant, to which she responded that she would find out and intimate him. As per complainant, after sometime her sister-in-law started weeping loudly and therefore, he went to his uncle's house and found that his uncle and aunty were lying dead there.

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 was taken up, and that during the course of investigation, other accused in the case namely Arjan Kumar @ Anil, Sunil, Satish, Mulakh Raj @ Malkhu, Kusum Devi and Rajesh Paswan were arrested and sent to face trial. It is relevant to note here that trial qua above-named accused has already been completed and all of them have been acquitted. According to prosecution at the time of above-mentioned trial the petitioner was absconding, and that he had been in this case when it came to the knowledge of I.O. that the accused has been arrested in another case in Police Station Ronahi, Uttar Pradesh.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner the main accused namely Arjan Kumar @ Anil has already been acquitted in the present case and the petitioner is facing long incarceration for a period of more than 04 years and 07 months. As per learned counsel for the complainant, the petitioner is resident of Uttar Pradesh



and he had never visited Amritsar, but merely on the basis of local enmity with the accused Anil, he has been falsely implicated on the basis of his disclosure statement, wherein in order to take revenge he nominated the petitioner.

6. *Per contra*, the learned State counsel has argued that the allegations against the petitioner are with regard to commission of offence of double murder and that the petitioner is such a clever person that he evaded arrest for a long period of more than 10 years. As per learned State counsel if released on bail the petitioner is likely to misuse the concession of bail.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

- i) that the petitioner is already in custody for a period of 04 years, 07 months and 12 days;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that co-accused including the main accused, who was working as domestic servant, have already been acquitted by the learned trial Court;
- iv) that the trial is not likely to be concluded in near future, as out of 40 only 28 witnesses have been examined and 12 are still un-examined;
- v) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the



petitioner will not co-operate/participate in the trial.

9. With regard to the legal aspect involved in the instant case, the principles laid down by the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been 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 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”.

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 abovementioned 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 abovementioned 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:-

- (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 to disclose 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 decision of trial; and
- (iii) 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.

(SURYA PARTAP SINGH)
JUDGE

10.11.2025
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No