



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

CRM-M No.33210 of 2025 (O&M)

Reserved on: 17.10.2025

Date of Decision: 31.10.2025

Aalok Kumar @ Alok Kumar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.S.K.Sirsa, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 105 of BNS, the FIR No.0131 dated 16.09.2024, has been lodged in Police Station City Sunam, District Sangrur. 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 second petition seeking for grant of bail, under Section 483 of BNSS.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of complainant Rajveer Singh who stated that on 16.09.2024, at about 12.30 P.M. near Star Light Palace, Sunam, he along with his co-workers was working on road side when canter bearing registration No. HR-57A-3302, hit the workers namely Gurdev Kaur, Jarnail Singh, Harpal Singh and Choota Singh, and they died due to injuries suffered in the abovementioned accident. It was also stated by the above named



complainant that at the time of accident the petitioner was driving the offending vehicle.

3. According to prosecution, 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 for the commission of aforesaid offence.

4. Heard.

5. It has been contended on behalf of the petitioner that petitioner is innocent and he has been falsely implicated in the present case. According to learned counsel for the petitioner the contents of the statement of complainant makes it abundantly clear that at the most the case for the commission of offence punishable under Section 106 of BNS is made out, but without any reasons the above mentioned case has been converted into a case for the commission of offence punishable under Section 105 of BNS.

6. In addition to above, the learned counsel for the petitioner has also argued that petitioner has already suffered a lot of incarceration for being in custody for a period of more than 1 year and 01 month, and that the trial is not likely to be concluded in near future as out of 18 witnesses, only 2 have been examined, so far. It has also been contended by learned counsel for the petitioner that both the witnesses examined by the prosecution have not supported the prosecution case, and that petitioner was having a valid driving licence at the time of accident. In view of above, the learned counsel for the petitioner has requested for the benefit of bail for the petitioner.

7. Per contra, the learned State counsel has argued that in the present



case the death of 4 human beings is involved and that there are very specific and categorical allegations against the petitioner of causing their death. According to learned State counsel this is the second petition for bail moved by the petitioner, and that from the date of dismissal of former bail application, no significant change in material circumstances has taken place.

8. While replying to the above mentioned arguments the learned counsel for the petitioner has argued that former petition for bail moved by the petitioner was dismissed on 17.01.2025, and that the above mentioned order was not on merit. According to learned counsel for the petitioner from the date of dismissal of former bail petition more than 09 months have passed and that during this period no significant progress in the trial has taken place. As per learned counsel for the petitioner, only 2 witnesses have been examined by the prosecution, and they have not supported the prosecution case.

9. The record has been perused carefully.

10. 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 from the date of dismissal of former bail petition 09 months have passed and there is no significant progress in trial, as out of 18 only 2 witnesses have been examined so far;
- ii) that nothing is left to be recovered from the possession of the petitioner;
- iii) that the petitioner has already suffered a long incarceration for being in custody for a period of more than 1 year and 1 month;
- iv) that the trial of the case is not likely to be concluded in near



future;

- v) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vi) 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 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 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

31.10.2025
Manoj Bhutani

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