

CRM-M-41634-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-41634-2025 (O&M)****Reserved on : 27.10.2025****Pronounced on : 31.10.2025**

Deepak @Bunty

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

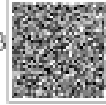
Argued by: Mr. D.K. Tuteja, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 103(1), 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023, the FIR No.07 dated 06.01.2025 has been lodged in Police Station Sadar, District Jind. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 06.01.2025, at the instance of Mandeep Singh, hereinafter being referred to as 'complainant' only. He is brother of the deceased. Vide abovementioned statement, it was informed by the

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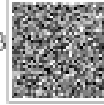
complainant that he was a mechanic, and that on 06.01.2025, when he was involved in his bike-repairing job, he received an information that his brother Vinod was lying injured near HDFC Bank of the village. According to complainant, on receipt of abovementioned information, when he went to the spot, he found his brother lying unconscious there, and blood was oozing out of his nose and head. It was stated by the complainant that he had noticed stab wounds on the body of his brother.

3. As per complainant, he shifted his brother to Civil Hospital, where he was declared dead. It was also stated by the complainant that he had come to know that his brother Vinod was taken to home by two boys, and the third one was standing near HDFC Bank. According to complainant, on previous day, a quarrel had taken place between his brother and the abovementioned three persons, who have killed his brother.

4. It is the case of the prosecution that on the basis of abovementioned information, formal FIR in this case was lodged, and the investigation taken up. As per prosecution during the course of investigation, a woolen cap was found, which was seized by the Investigating Agency, and after establishing the identity of the assailants, the petitioner was arrested along with his co-accused.

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According

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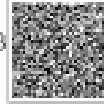
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to learned counsel for the petitioner, in the present case, the first statement of complainant shows that only three persons were stated to be involved in the commission of crime, but subsequently six persons have been prosecuted by the police. As per learned counsel for the petitioner, there is no eye-witness of the incident, and the entire case is resting upon circumstantial evidence only.

7. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has already suffered a long incarceration for being in custody for a period of 09 and half months. It has been contended by learned counsel for the petitioner that the prosecution's version regarding the petitioner's involvement in the commission of the crime stands falsified in view of the medical evidence, which reveals that injuries on the person of the deceased were caused by a sharp-pointed weapon, i.e., an ice pick, whereas a brick has been recovered from the possession of petitioner. The learned counsel has also emphasized on the plea that the petitioner was not present at the scene of occurrence and that the only allegation against him is that of conspiracy.

8. *Per contra*, the learned State Counsel has argued that the allegations against the petitioner are for the commission of very serious offence, and that the petitioner has suffered a disclosure statement, wherein he has admitted his involvement in the commission of crime. According to learned State Counsel, the trial is proceeding at a reasonable pace, and there is no undue delay in the trial.

9. The record has been perused carefully.



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10. 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 has already suffered a lot of incarceration for being in custody for a period of more than 09 months;
- ii) that the present case is based upon circumstantial evidence;
- iii) that the weapon of offence has not been recovered from the possession of petitioner;
- iv) that the presence of petitioner at the time of occurrence is doubtful;
- v) that the prosecution has *prima facie* failed to establish any link between the offence and the brick recovered from the possession of petitioner;
- vi) that there is no medical evidence to show that any injury on the person of deceased was caused by a brick;
- vii) that the petitioner except the present case has no other criminal history;
- viii) that the trial is not likely to be concluded in near future;
- ix) that detention of petitioner in judicial lockup is not likely to serve any purpose; and
- x) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

11. With regard to the legal aspect involved in the instant case, it is relevant to mention here 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*



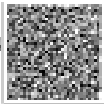
applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible 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. 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.

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 his 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.



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- (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 conclusion of trial; 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

OCTOBER 31, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No