



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

06

CRM-M-44884-2025
Reserved on: 07.11.2025
Pronounced on : 17.11.2025

PARDEEP ALIAS LUKA

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Ms. Mansi, Advocate
for the petitioner.

Mr. Vijay Kumar, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 302, 201, 34 of IPC, the FIR No.455 dated 28.09.2023, has been lodged in Police Station Jind Sadar, District Jind. 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 first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Naresh Kumar, hereinafter being referred to as complainant only. It was stated by the complainant that his cousin (Aunt's son) Sunil Kumar was residing with him and that on 27.09.2023 when he returned home from his job, he was told by his brother Prem that Sunil Kumar had left home at about 07:30 P.M. for a stroll after dinner. As per



complainant till 06:30 A.M. he kept on waiting for Sunil Kumar but he did not return and that in the morning he was told by an unknown lady that by hitting a brick on his head somebody had killed his cousin Sunil Kumar.

3. It was further alleged by the complainant that on receipt of above-mentioned information he rushed to a spot situated in the outskirts of the village, where he found the dead body of his cousin, who was hit by a brick on his head. According to complainant the brick used in the commission of above-mentioned offence was lying on the spot itself.

4. 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. According to prosecution during the course of investigation the accused was arrested, who on interrogation suffered a disclosure statement, wherein he confessed his involvement in the commission of above-mentioned crime.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner has already suffered a very long incarceration in the present case, as he is in custody for a period of more than two years and one month. As per learned counsel for the petitioner nothing is left to be recovered from the possession of petitioner as the investigation already stands concluded and that the trial is taking place at a very slow pace as out of 29, only 07 witnesses have been examined so far. It has also been argued by learned counsel for the petitioner that the trial is not likely to be concluded to be near future and that no motive for the commission of offence has been attributed to the petitioner and therefore, the petitioner is entitled for the benefit of bail.



7. Per contra, the learned State counsel has argued that there are very specific and categorical allegations against the petitioner with regard to commission of crime which is of a very serious nature. According to learned State counsel, the petitioner has already suffered a disclosure statement, which shows that he was involved in the commission of crime. The learned State counsel has contended that in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

8. Heard.

9. The record has been perused carefully.

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

- i) that the petitioner has already suffered a long incarceration for being in custody for a period of more than 02 years and 01 months;
- ii) that the trial is progressing at a very slow pace as only 07 out of 29 witnesses have been examined so far. Thus, the trial is not likely to be concluded in near future;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- v) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial;
- vii) that there is no direct evidence to establish link between the



commission of offence and the accused as in the instant case there is no eye witness account and the entire case is based on circumstantial evidence only:

11. With regard to the legal aspect involved in the instant case, the principles of law 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"*.

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. 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*”.

14. 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.

15. 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**.

16. 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 the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

17. 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

17.11.2025

vipin

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