



CRM-M-47031-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-47031-2025 (O&M)****Reserved on : 17.10.2025****Pronounced on : 30.10.2025**

Sandeep @Kalu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Krishan Singh, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 302, 120B, 201 and 34 of Indian Penal Code, the FIR No.4 dated 16.05.2023 has been lodged in Police Station GRP Kalka, District GRP Ambala Cantt, Haryana. 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 the complaint of Achhar Singh, hereinafter being referred to as 'complainant' only. In the abovementioned complaint, it was stated by the complainant that on 14.05.2023, Dinesh Giri had called his friends, namely Sarabjit Singh, Mukul, Kalu, Dinesh @Nanu, Anil



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@Kancha, Chinu, Ravi, Pappu, and four other friends, to celebrate his birthday near Green Valley, Kalka. According to complainant, Gaurav Chaudhary, the friend of Sarabjit Singh (now deceased), had told him that in the birthday party, when they were consuming liquor and enjoying hookah, an argument took place between Sarabjit Singh and Mukul @Baba. According to complainant, he was told that in the party, other friends intervened and separated them, but after the party when Sarabjit Singh along with Gaurav Chaudhary was going home, Mukul armed with wooden handle, and his friends intercepted them, and then attacked Sarabjit Singh. According to complainant, in the abovementioned attack Gaurav Chaudhary managed to sneak away from the spot but Sarabjit Singh could not, and that he suffered injuries, which proved to be fatal for him.

3. It is the case of the prosecution that acting upon the abovementioned complaint, the formal FIR was lodged and investigation taken up. According to the prosecution, during the course of investigation when the accused Mukul @Baba was arrested, he suffered a disclosure statement, wherein he disclosed the names of other assailants and one of them is the petitioner.

4. Heard.

5. It has been contented 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, merely, on the basis of disclosure statement of co-accused. According to the learned counsel for the petitioner, the abovementioned disclosure statement has no legal sanctity as the same was recorded when the maker of it was in police



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custody. As per learned counsel for the petitioner, the description of the events, recorded by the investigating agency, nowhere attributes any role to the petitioner.

6. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has clean antecedents, and that he has already suffered a lot of incarceration for being in custody for a period of almost 02 years and 05 months. According to learned counsel for the petitioner, the trial is progressing at a slow pace, as out of 34 prosecution witnesses, only 03 have been examined so far.

7. *Per contra*, the learned State Counsel has argued that the allegations against the petitioner are serious in nature, and that the investigating agency has collected sufficient evidence to show that the petitioner was involved in the incident of attack upon the deceased Sarabjit Singh, and that in execution of common conspiracy of the group, of which the petitioner was a party, fatal injuries were inflicted on the person of Sarabjit Singh. According to learned State Counsel, if petitioner is released on bail, he may influence the witnesses or tamper with the evidence.

8. The record has been perused carefully.

9. 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 almost 02 years and 05 months;
- ii) that nothing is left to be recovered from the possession of petitioner;



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- iii) that the trial is not likely to be concluded in near future as out of 34 prosecution witnesses, only 03 have been examined so far;
- iv) that the petitioner has clean antecedents;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) that with regard to identity of the petitioner, as one of the assailants, except the disclosure statement of co-accused so far, there is no other connecting evidence; and
- vii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

10. 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”.

11. 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”.*

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**.



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13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

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 furnishing his personal bonds and surety bonds 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 disposal of the case; 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

OCTOBER 30, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No