



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

CRM-M No.48924 of 2025 (O&M)

Reserved on: 15.10.2025

Date of Decision:28.10.2025

Chandan Kumar

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Namit Khurana, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302 and 201 IPC, the FIR No.221 dated 05.10.2008, has been lodged in Police Station Sadar Yamuna Nagar. 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 first petition under Section 483 of BNSS for grant of bail.

2. Briefly stating the facts emerging from the record are that FIR of this case came into being on 05.10.2008 on the statement of Raghuvir Singh, hereinafter being referred as complainant only. In his above mentioned statement it was stated by the complainant that he was owner of truck bearing registration No.HR-58-4299 and that Raju Singh was hired by him as driver on the above mentioned truck. According to complainant the driver Raju had hired a cleaner on the abovesaid truck about 20 days ago. The complainant further



stated that he was not aware of the name of the cleaner but he could recognize him by face.

3. As per complainant on 02.10.2008 at about 1-1.30 P.M he had received a call from Raju Singh who told him that he had loaded goods in the vehicle at Paonta Sahib Dehradun and was returning. According to complainant, on 04.10.2008 he was called by Yamuna Nagar Police and it was told that his truck was found parked in abandoned and a dead body was lying behind the drivers seat. As per complainant, he visited the truck on 05.10.2008 and found that the dead body in his truck was of Raju Singh and the cleaner was missing.

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 it was found that the petitioner who was working as cleaner on above mentioned truck was responsible for the murder of Raju Singh. The prosecution has further alleged that the petitioner had successfully absconded for a long time and, therefore, he was declared proclaimed offender, but ultimately arrested after a period of almost 16 years.

5. Heard.

6. It has been contended by learned counsel for the petitioner that petitioner is innocent, and he has been falsely implicated in the present case. According to learned counsel for the petitioner otherwise also the petitioner has already suffered a lot of incarceration for being in custody since 17.09.2024 i.e. for a period of 1 year and 01 month. As per learned counsel for



the petitioner the present case is a case based on circumstantial evidence and the identity of the petitioner as cleaner on the truck of deceased is yet to be established. With regard to above mentioned contention, learned counsel for the petitioner has referred to the statement of complainant Raghuvir Singh who is the only person who could identify the petitioner as cleaner engaged for his truck. According to learned counsel for the petitioner the above named complainant, who has been examined as PW1, has not supported the prosecution case qua the identity of the petitioner, and thus, the only link between the petitioner and the commission of crime stands snapped in the present case.

7. Per contra, the learned State counsel has argued that in the present case the conduct of the petitioner itself speaks in volume about his criminal intentions. As per learned State counsel the petitioner, who went missing after the incident, has been successfully evading his arrest for a long period of 16 years and when arrested he has been successful to win over the confidence of complainant. According to learned State counsel the allegations against the petitioner are with regard to commission of heinous offence, and therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. 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 petitioner is in custody for a period of 1 year and 1 month;
- ii) that the statement of most material witness i.e. complainant who could identify the petitioner as cleaner of the truck, has not



supported the prosecution case;

- iii) that the petitioner has clean antecedents, as except the FIR for the commission of offence punishable under Section 174-A IPC there is no other criminal case registered against the petitioner;
- iv) that in the above mentioned case, for the commission of offence punishable under Section 174-A IPC, the petitioner has already been acquitted;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that the investigation and trial of the case are not likely to be concluded in near future;
- vii) that detention of the petitioner in judicial lock up is not likely to serve any purpose;
- viii) 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.

10. 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”.

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*.

12. 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.

13. 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 bail bonds and surety to the satisfaction of 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.



14. 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

28.10.2025
Manoj Bhutani

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