



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

229

CRM-M-49707-2025 (O&M)

Date of decision : 01.12.2025

Priyanshu Pandey

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Section 302 of 'Indian Penal Code', the FIR No.339 dated 26.05.2023 has been lodged in Police Station Palla, Faridabad. 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 second petition for bail 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 at the instance of Sham Sunder Pandey, hereinafter being referred to as 'complainant' only, who had stated that on 19.05.2023 he had gone to his ancestral village in District Gorakhpur along with his son Himanshu Pandey and wife. As per complainant, in their absence his daughter Ananya and son Priyanshu Pandey were at home, and that on

25.05.2023 at about 06:00 pm he was told by his landlord Sanjeev Rai that his daughter Ananya had passed away. According to complainant on receipt of abovementioned information he rushed to his home at Faridabad and reached there on 26.05.2023, and submitted a complaint before the police that his daughter had passed away due to some unknown reasons.

3. According to prosecution, in view of abovementioned complaint when the post-mortem examination of the body of Ananya was conducted, it was found that the reason behind her death was strangulation. According to complainant, his son Priyanshu Pandey (petitioner herein) was missing from his house, and therefore, he had expressed a doubt that his daughter was killed by her brother Priyanshu Pandey.

4. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation, the accused has been arrested.

5. Heard.

6. It has been contended on behalf of 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 to learned counsel for the petitioner, otherwise also in the present case the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 02 years and 05 months, and that during this long period, out of 26 prosecution witnesses, only 09 have been examined so far by the prosecution.

7. In addition to above, it has also been contended by learned counsel for the petitioner that the complainant in this case has already been examined, and he has not supported the prosecution case with regard to the fact that death of his daughter was caused by the petitioner. It has also been contended by learned counsel for the petitioner that all the material witnesses have already been examined, and that remaining witnesses are formal witnesses only, and therefore, there is no chance of tampering of evidence or influencing of witnesses by the petitioner.

8. *Per contra*, the learned State Counsel has argued that irrespective of the fact that the complainant has not supported the prosecution case with regard to involvement of petitioner in the commission of crime, there is sufficient circumstantial evidence to prove the involvement of petitioner in the commission of crime. According to learned State Counsel, the allegations against the petitioner are with regard to commission of serious nature of crime, and that in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

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 in the present petition:-

- (i) that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 02 years and 05 months;
- (ii) that the first petition for bail, of the petitioner, was dismissed as withdrawn way back in the year 2024, i.e. on 04.07.2024,

and despite the lapse of more than 01 year and 05 months, no significant progress in trial has taken place. Thus, the petitioner is entitled to maintain second bail petition;

(iii) that star witness of the prosecution, i.e. the complainant, has not supported the prosecution case;

(iv) that the trial is not likely to be concluded in near future;

(v) that nothing is left to be recovered from the possession of petitioner;

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

(vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

(viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial

11. In the present 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 also 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) 10 SCC 51, 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’**, 2025 SCC Online SC 322, 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***”, 2024 SCC Online SC 4354.

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

01.12.2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No