



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

CRM-M No.54687 of 2025 (O&M)

Reserved on 15.10.2025

Date of Decision: 29.10.2025

Magan Deep

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Rohit Joshi, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 302 and 34 IPC, FIR No. 50 dated 27.05.2024, has been lodged in Police Station Maksudan, District Jalandhar. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS.

2. Shorn-off all the unnecessary details, the facts of the case are that the FIR, mentioned above, came into being in view of the statement dated 27.05.2024 of Pardeep Singh, hereinafter being referred as complainant only.

3. In his above mentioned statement it was stated by the complainant that on 27.05.2024 when he reached to his agency at about 10.00 A.M., he noticed a crowd in the plot across the road. According to complainant when he went there, he found two persons in injured condition lying there, and that one of them had already passed away. According to prosecution on the basis of



above mentioned statement the wheel of criminal justice system was set into motion and the FIR of this case was lodged. During the course of investigation, on the basis of secret information, the accused were arrested. They were duly interrogated and their disclosure statements were recorded, and thereafter they were sent to stand trial in the Court.

4. Heard.

5. It has been contended on behalf of petitioner that present case is a blind murder case wherein no eye-witness account is available. According to learned counsel for the petitioner, the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that without evidence he has been prosecuted in the present case. The learned counsel for the petitioner has further argued that he has been falsely implicated in the present case, merely, on the basis of disclosure statement of his co-accused. According to learned counsel for the petitioner, the present case, which is based on circumstantial evidence, there is nothing on record to show that the petitioner was having any kind of probable motive for the commission of offence, or that he was seen in the company of deceased.

6. In addition to above, it has also been argued by learned counsel for the petitioner that otherwise also the petitioner has already suffered a lot incarceration for being in custody for a period of almost 1 year and 04 months, and that trial is not likely to be concluded in near future. It has been further argued by learned counsel for the petitioner that petitioner has no criminal antecedents and, therefore, in the given fact-situation, he is entitled for the benefit of bail.

7. Per contra, the learned State counsel has argued that serious



offence of committing murder of one person and causing dangerous to life injuries on the body of another person have been levelled against the petitioner and that the petitioner has suffered a confessional statement, wherein he has admitted his involvement in the commission of crime. According to learned State counsel, the prosecution is yet to avail opportunity to prove guilt of the petitioner and, therefore, at this stage, when evidence is, yet, to be concluded by the prosecution, any finding with regard to weakness of the evidence cannot be returned.

8. The record has been perused carefully.

9. A careful perusal of the record shows that present case is a case based on circumstantial evidence, and there is no eye-witness account. In such circumstances, the analysis of the facts and circumstances of the present case shows that following are the factors which are necessary to be taken into consideration for deciding the present petition:-

- i) that the petitioner is already in custody for a period of almost 1 year and 04 months;
- ii) that custody certificate of petitioner placed on record, by learned State counsel, shows that the petitioner has no criminal antecedents;
- iii) that the instant case is a blind murder case wherein no eye-witness account is available;
- iv) that prima facie except the confessional statement of the petitioner there is no other evidence against the petitioner;
- v) that the trial is not likely to be concluded in near future, as out of 27 prosecution witnesses only 2 witnesses have been



examined so far;

- vi) that the investigation in the present case is already complete and nothing is left to be recovered from the possession of accused;
- vii) that detaining of petitioner in the 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.

13. 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.

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 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.

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

29.10.2025
Manoj Bhutani

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