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

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**CRM-M No.56224 of 2025
Date of Decision: 22.12.2025**

Ravi @ Langda ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.410 dated 09.10.2021 registered under Sections 148, 149, 341, 302, 120-B and 342 of IPC at Police Station Kanina, District Mahendergarh. The first petition as filed by the petitioner bearing CRM-M No.51290 of 2023 had been dismissed as not pressed vide order dated 29.01.2024. The second petition as filed by the petitioner bearing CRM-M No.12701 of 2025 had been dismissed as withdrawn vide order dated 20.05.2025.

2. As per the allegations, on 09.10.2021, the victim Gaurav was intercepted by the petitioner and co-accused when he was going towards his house and all of them had started assaulting him. His son called his

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mother on phone and somehow informed her that he was being assaulted in a hotel of Village Malda. On receipt of this information, the complainant along with his father rushed towards the informed place and found the assailants while extending beatings to his son. He was rescued and was taken to Civil Hospital, Mahendergarh from where he was referred to some higher hospital but in the meanwhile succumbed to his injuries. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. The accused Vicky was arrested on 11.10.2021. The petitioner was arrested on 18.10.2021. He suffered disclosure statement admitting his involvement in the crime. Offence under Section 120-B of IPC was added. Some other accused were also arrested subsequently. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of concocted facts. He is in custody since 18.10.2021. The trial is going on at snail's pace and there is no likelihood of its conclusion in near future. The co-accused Harsh, Satender @ Satte, Yogesh and Ajay @ Bhandari have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The complainant Devender has been examined as PW-8 and his cross-examination shows that his testimony is hearsay in nature and that he had not seen the petitioner inflicting any injury on the person of the victim. The statements of PW-1 Krishan Kumar and alleged eye witnesses are also to the same effect. No specific injury had been attributed to him. A false recovery of danda has

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been planted upon him. There is no clear evidence to show any *mens rea* on his part to eliminate the victim. After recording of eight witnesses, an application under Section 319 of Cr.P.C. has been moved and is still pending. The trial is being delayed inordinately and this delay cannot be attributed to him. His continued detention would not serve any further purpose. His Prolonged custody militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that this is successive bail petition being the third petition as filed by the petitioner and is not maintainable. The material witnesses have been examined and have categorically deposed about the presence of the accused at the place of occurrence and about the fact that he along with the co-accused had extended beatings to the victim resulting in his death. With these broad submissions, it is stressed by her that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner by hatching a conspiracy with the co-accused and then by forming an unlawful assembly with them and in prosecution of common object of that unlawful assembly/conspiracy, is alleged to have assaulted the victim who had sustained as many as 23 injuries and had died as a result of the same. The petitioner was named in the FIR. However, no specific overt act has been attributed to him. The petitioner is in custody

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since 18.10.2021 i.e. for a period of 04 years, 02 months and 04 days. Seven out of forty witnesses had been examined and thereafter application under Section 319 of Cr.P.C. is shown to have been moved which is still pending meaning thereby that the trial will take considerable time to conclude. The similarly situated co-accused have been extended benefit of bail. It is well settled proposition of law that the speedy trial, early hearing and quick disposal of cases are sine qua non of criminal jurisprudence. Each day spent by an accused in custody provides a cause of action for filing bail application. Prolonged detention itself is a ground for grant of bail since the settled principle of law is that detention prior to trial should not become punitive. Pre trial incarceration should not be a replica of post conviction sentencing and this principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirement of criminal justice system. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. The right to speedy trial begins with actual restraint imposed at the time of arrest of an accused and the consequence incarceration so that any possible prejudice that may result due to impermissible and avoidable delay since the time of commission of offence till conclusion of criminal proceedings can be averted. The guarantee of speedy trial is intended to avoid oppression and prevent delay by imposing upon the Court and the prosecution an obligation to proceed with the trial with a reasonable dispatch. The consequences of pre trial detention and

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systematic inefficiency frustrate the legislative purpose. The Hon’ble Supreme Court in **Sagar Ashok Satkar v. The State of Maharashtra**, Law Finder Doc Id # 2655558 and **Nilesh Vithoba Gadade v. The State of Maharashtra and another**, Law Finder Doc Id # 2788407 has recently extended benefit of bail in cases where the accused had been facing trial for commission of offence of murder. In the considered opinion of this Court, the prolonged incarceration without justifiable cause runs risk of transforming pre trial detention into punitive imprisonment which is antithetical to the principles of justice and equity. The delay in culmination of the trial obviously cannot be attributed to the petitioner. Taking into consideration all these facts, this Court is of the considered opinion that the petitioner has made out a case for grant of release on bail as his further detention as an undertrial is not warranted in the peculiar facts and circumstances of the case. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No