



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

243

CRM-M-57298-2025 (O&M)

Date of decision : 08.12.2025

Sombir @Sombir Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sourabh Sheoran, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 302 and 201 of Indian Penal Code, the FIR No.86 dated 26.03.2024 has been lodged in Police Station Bawani Khera, District Bhiwani. 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 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 Rafiq Khan, hereinafter being referred to as 'complainant' only, who stated that his younger brother, namely Jameel Khan, who worked as a 'junk dealer', was brought to their home at about 04:00 pm by Vijay S/o Manphool. According to complainant, at that time his brother was having injuries on his nose and mouth, and that it



was told by Vijay that there was a fight with the brother of complainant. As per complainant, thereafter he made enquiries and found that Sombir S/o Rajesh (petitioner herein) along with his other friends had injured his brother Jameel Khan. According to complainant, his brother was shifted to hospital, where he died due to injuries suffered in the abovementioned incident.

3. The learned State Counsel has already filed affidavit of DSP concerned as well as custody certificate of the petitioner. The same be taken on record.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner is already in custody for a period of more than 01 year and 08 months, and that the star witness of the prosecution, i.e. eye-witness of the occurrence, namely Vijay, has already been examined, but has not supported the prosecution case with regard to identity of petitioner as the assailant.

6. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, there are direct allegations against the petitioner, and that irrespective of the fact that eye-witness of the occurrence, namely Vijay, has not supported the prosecution case qua the identity of the petitioner, there is other evidence to bring home guilt of the petitioner. As per learned State Counsel, the trial is proceeding at a reasonable pace, as out of 19 prosecution witnesses, 10 have already been examined.



7. The record has been perused carefully.
8. 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 with regard to present petition: -
- i) that the petitioner is already in custody for a period of more than 01 year and 08 months;
 - ii) that the sole eye-witness of the occurrence has not supported the prosecution case with regard to involvement of the petitioner in the commission of crime;
 - iii) that nothing is left to be recovered from the possession of petitioner;
 - iv) that that the trial is not likely to be concluded in near future;
 - v) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
 - vi) that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the witnesses; and
 - vii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.
9. 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”.

10. 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”.

11. 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”*.

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”, 2024 SCC Online SC 4354***.

13. 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.



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 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.

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

08.12.2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No