



CRM-M-58267-2025 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-58267-2025 (O&M)****Reserved on : 28.10.2025****Pronounced on : 31.10.2025**

Mohit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Prashant Singh Chauhan, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 201, 302 and 404 of the Indian Penal Code, the FIR No.117 dated 02.09.2022 has been lodged in Police Station GRP Rewari, District Rewari. 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 seeking for grant of 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 on 31.08.2024, when a dead body was found in a yard near Railway Station, Rewari, and when after performing usual formalities, enshrined under Section 170 of CrPC, the dead body was shifted to Civil Hospital, where post-mortem examination of the dead body was

**CRM-M-58267-2025 (O&M)**

2

conducted. According to prosecution, on 02.09.2022, Ravinder Singh, the brother of deceased, identified the body of his brother, and then moved an application, wherein he stated that on 29.08.2022, when he called his brother Manoj on mobile phone, it was found to be switched-off, and therefore, he called his mother, who told him that she had received a call from the mobile phone of Manoj, and that the caller had said that he would kill Manoj on that day.

3. It is the case of the prosecution that in view of abovementioned information, formal FIR in this case was lodged, and during the course of investigation, by using scientific methods, i.e. electronic surveillance etc., the identity of the petitioner was established. Accordingly, he was arrested.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that the entire story, set up by the prosecution, is in itself is self-contradictory. According to learned counsel for the petitioner, the abovementioned story cannot be believed on the face of it.

6. In addition to above, the learned counsel for the petitioner has also argued that the former bail petition, moved by the petitioner, was dismissed at a stage, when the material witnesses were not examined, and that by now the material witnesses have been examined, and therefore, there is change in circumstances in the present case.

**CRM-M-58267-2025 (O&M)**

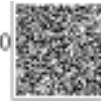
3

7. In addition to above, the learned counsel for the petitioner has also argued that the former bail petition was dismissed on 11.03.2025, and thereafter, sufficient time has elapsed, which makes the petitioner eligible for filing the second bail petition. It has also been argued by the learned counsel for the petitioner that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

8. *Per contra*, the learned State Counsel has argued that in the present case, the allegations against the petitioner are for the commission of heinous offence, and that there is quite reliable and scientific evidence, connecting the petitioner with the commission of crime. The learned State Counsel has also argued that irrespective of the fact that the present case is based on circumstantial evidence, the evidence collected by the Investigating Agency is strong and reliable enough to warrant conviction of the petitioner. According to learned State Counsel, there is no change in circumstances in the present case, from the date of dismissal of former bail petition, and therefore, the present petition is not maintainable.

9. The record has been perused carefully.

10. A perusal of record shows that the present case is a blind murder case, wherein there is no eye-witness account. It is also relevant to mention here that the former bail petition, filed by the petitioner, was dismissed about 08 months back, and since then, the private material witnesses, i.e. the brother and mother of deceased, have been examined. According to the learned counsel for the petitioner, the only witnesses, left



to be examined, are official witnesses, and therefore, there is no likelihood that the petitioner would be able to influence them.

11. It is also relevant to mention here that after the dismissal of former bail petition, the statement of mother of deceased has already been recorded, and from the date of dismissal of abovementioned bail petition, in the last more than 08 months, only 02 prosecution witnesses have been examined by the prosecution. The abovementioned fact shows that the trial is taking place at a very slow pace, and thus, the delay in trial makes the petitioner eligible to move the second bail petition.

12. In addition to above, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

- i) that the petitioner has already suffered a lot of incarceration for being in custody for a period of almost 03 years and 01 month;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that the trial is not likely to be concluded in near future;
- iv) that detention of petitioner in judicial lock-up is not likely to serve any purpose; and
- v) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

13. 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”.

14. 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”.

15. 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***.

16. 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.

17. 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 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.



CRM-M-58267-2025 (O&M)

- (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.

18. 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

OCTOBER 31, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No