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

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**CRM-M-57944-2025 (O&M)
Decided on : 17.11.2025**

Arun Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Arun Kumar Gujjar, AAG Haryana.

SURYA PARTAP SINGH, J.

1. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The present petition has been filed with regard to a case arising out of FIR No.153 dated 11.07.2025 under Sections 25(8) and 54 of the Arms Act, 1959, Police Station Sadar Palwal, District Palwal. The application for bail filed by the petitioner before the Court of learned Additional Sessions Judge Palwal has been dismissed vide order dated 07.08.2025. The petitioner is in custody, and therefore, craving for bail.

2. Succinctly, the facts emerging from the record are that the abovementioned FIR came into being in the backdrop of a tip-off received by Sub-Inspector Israil, who was on duty along with other police officials in



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police vehicle at Agra Highway. According to prosecution, as per information given to the above-named Sub-Inspector, three persons, who were involved in the activities of illegal sale of arms and ammunition, were taking tea at Manesar KMP turn Palwal. As per prosecution story, in view of abovementioned information, when the police party visited the spot, they found three persons on a motorcycle, amongst them, one person was carrying a backpack and on search of abovementioned backpack, 03 countrymade pistols were recovered. According to prosecution case, the abovementioned backpack was recovered from the possession of Santosh, whereas the petitioner was travelling in the middle and driver of the motorcycle was Arun.

3. Heard.

4. It has been contended by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 04 months. According to learned counsel for the petitioner, the offence is triable by the Court of Judicial Magistrate and nothing is left to be recovered from the possession of petitioner. The learned counsel for the petitioner has argued that on the ground of parity also, the petitioner is entitled for the benefit of bail, as his co-accused Karan @Kartik @Kanha Srivastava has already been accorded the benefit of bail by this Court by virtue of order dated 23.09.2025.

5. *Per contra*, the learned State Counsel has argued that the petitioner is deeply involved in the activities of illegal sale of arms and

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ammunition without licence, and therefore, he is not entitled for benefit of bail.

6. The record has been perused carefully.

7. 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 for bail:-

- a) that the petitioner is already in custody for a period of more than 04 months;
- b) that the offence is triable by the Court of Judicial Magistrate;
- c) that the petitioner has no criminal antecedents;
- d) that the petitioner is entitled for the benefit of bail on the ground of parity, as his co-accused Karan @Kartik @Kanha Srivastava has already been accorded the benefit of bail by this Court by virtue of order dated 23.09.2025;
- e) that nothing is left to be recovered from the possession of petitioner;
- f) that the trial is not likely to be concluded in near future;
- g) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- h) 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
- i) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.



8. With regard to the legal aspect involved in the instant 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 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”*.



9. 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*".

10. Recently, in the case of '**Tapas Kumar Palit Vs. State of Chhattisgarh**', 2022 INSC 222, 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*".



11. 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*.

12. 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.

13. 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.



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14. 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

NOVEMBER 17, 2025

Gaurav Thakur

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