



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

**CRM-M No.58623 of 2025 (O&M)
Reserved on :28.10.2025
Pronounced on: 31.10.2025.**

Khurshid @ Khurshid Khan

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Anupal Singh Tanwar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 147, 149, 323 and 506 of BNS [Sections 302 and 325 were added lateron], the FIR No.311 dated 26.06.2023 has been lodged in Police Station City Sohna, District Gurugram. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is the third petition seeking for grant of bail, under Section 483 of BNSS.

2. The facts as projected by the prosecution vide above mentioned FIR are that on 26.06.2023 the complainant Isab Khan got his statement recorded, wherein he stated that on 25.06.2023 at about 4.00 P.M. when he was present in his home and his wife was on her way from out house (cattle yard) to home, a heated arguments took place between his (complainant) wife



Jarina and Rahul & Noren. According to complainant, the issue believed the above mentioned exchange of words was throwing of cow dung at inappropriate place. It was alleged by the complainant that Rahul and Noren used abusive language for the wife of complainant, and then beaten her up. According to complainant, when he heard the commotion, he rushed to the place of occurrence and found that Akbar, Khursheed, Razia, Noornisa, Mobeen, Rukmina, Sohil Saddam, Irfan, Miskina, Shahid and Nazma had gathered there. As per complainant, on his arrival they all launched an attack upon him and his family members. The complainant further alleged that at the time of attack, petitioner-Khursheed, Saddam Alam and Rahul were armed with sticks and they had injured his right shoulder, whereas Akbar hit on the head of Jumme Khan with the help of lathi. It was also stated by the complainant that he and his son Salman were forced on the floor by the assailants and multiple injuries were inflicted on their person.

3. It is the case of the prosecution that complainant and other injured were admitted in the hospital, where son of complainant, namely Salman, passed away.

4. Heard.

5. It has been contended by learned counsel for the petitioner that allegations as contained with regard to role of petitioner in the commission of offence are very vague and that, in fact, there is no specific allegations against the petitioner with regard to the fact that he had injured the deceased Salman, or gave any fatal blow or kicks. It has also been contended on behalf of petitioner that he is already facing protracted incarceration for being in custody for a period of 2 ¼ years. In addition to above, the learned counsel for the



petitioner has also contended that on the ground of parity also the petitioner is entitled for bail, as the co-accused Mobeen and Alam having similar role have already been afforded the benefit of bail by this Court.

6. Per contra, the learned State counsel has argued that allegations against the petitioner are of being involved in the commission of a serious offence, i.e. murder, and that all the members of the assembly, who under common conspiracy committed murder of Salman, are responsible for the offence under Section 302 IPC. It has also been argued by learned State counsel that the petitioner has criminal antecedent and he is facing prosecution in another case also.

7. The record has been perused careful.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i). that the role attributed to the petitioner is that he was carrying a blunt weapon and inflicted injury on non-vital part of the body of complainant;
- ii). that the benefit of bail has already been afforded to the co-accused, whose role is similar to the role attributed to the petitioner;
- iii). that there is nothing on record to show that any injury on the person of deceased was inflicted by the petitioner;
- iv). that the petitioner is already in custody for a period of 2 ¼ years;
- v). that nothing is left to be recovered from the possession of petitioner;



- vi) that trial is not likely to be concluded in near future;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence with witnesses.

9. 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*".



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 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*".

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. 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.

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 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 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.

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

Pronounced on: 31.10.2025
Manoj Bhutani

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