



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-58444 of 2025

**Reserved On: 28.10.2025
Pronounced On: 30.10.2025**

Bikar Singh alias Baru

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Sunil Goswami, Advocate
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 302, 201, 120-B and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only (Sections 201 and 120-B IPC added later on), the FIR No. 116 dated 20.06.2024 has been lodged in Police Station Jakhal District Fatehabad. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being on the statement of Mithu Singh, hereinafter being referred to as “the complainant”. It was stated by the complainant that his elder son Jagsir Singh was married with Harpreet Kaur alias Kiran about 11 years ago, and that he had developed illicit relationship with one Murti wife of his brother-in-law, namely Jasvinder Singh alias

Jassi. According to complainant, due to above-mentioned relationship, Jagsir Singh and Murti got missing about seven/eight days back, and that on that day he had received an information that Jasvinder Singh alias Jassi along with his companions, namely Bikar Singh alias Baru and Parvinder Singh alias Binder had killed Jagsir Singh and Murti by strangulating them and hitting them with sharp-edged weapon. According to complainant, on receipt of above said information, he along with his brother Mela Singh and others rushed to the spot and found the dead bodies of Jagsir Singh and Murti. It is the case of prosecution that on the basis of above-information, formal FIR of this case was lodged and the investigation taken up, and during the course of investigation Jasvinder Singh alias Jassi along with co-accused was arrested.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the instant case is a case wherein there is no eye-witness account. The learned counsel for the petitioner has further argued that the witness of last seen has already been examined, and that he has not supported the prosecution case.

6. In addition to above, it has also been argued by learned counsel for the petitioner that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than one year and four months, and that the trial of the case is not likely to be concluded in near future, and therefore, the petitioner is entitled for the concession of bail.

6. While controverting the above mentioned arguments, the learned State counsel has argued that the offence committed by the petitioner is heinous in nature, being a crime of double murder. As per learned State counsel, there is sufficient material to connect the petitioner with the commission of crime, and that the trial, too, is taking place at a reasonable pace, as out of 25 prosecution witnesses, ten have already been examined. According to the learned State counsel, in view of gravity of offence and past conduct of the petitioner, who is already facing prosecution in two other cases, the present petition deserves dismissal.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration before arriving at any decision with regard to instant bail petition. These factors are:-

- i) that the petitioner has already suffered a lot of incarceration for a period of one year and four months;
- ii) that nothing is left to be recovered from the possession of the accused;
- iii) that there is no eye-witness account implicating the petitioner in the commission of crime.
- iv) that otherwise also, the evidence collected by the prosecution, to establish nexus of the petitioner with the commission of crime, seems to be weak;
- v) that the only material witness i.e. the witness of last seen has not supported the prosecution case;

- vi) that the trial is not likely to be concluded in near future, as out of 25 prosecution witnesses only ten have been examined so far;
- vii) that no motive for the commission of offence has been attributed to the petitioner;
- viii) that detention of the petitioner behind the bars is not likely to serve any purpose; and
- ix) that there is nothing on record to show that if released on bail, the petitioner will tamper with the evidence of influence the prosecution witnesses.

10. With regard to 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”.

11. 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 above-mentioned 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”.

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 is the mandate of the Apex court in “*Balwinder Singh versus State of Punjab and Another*”, SLP (Crl.) No.8523/2024.

13. If the cumulative effect of all the above-mentioned factors, in-

volved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail.

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 furnishing his personal bond and surety to the satisfaction of 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 disposal of the case; 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

October 30, 2025
“DK”

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