



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

CRM-M-59226-2025 (O&M)

Date of decision : 13.11.2025

Sukhdev Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. S.S. Jattan, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 118(1), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the FIR No.11 dated 20.01.2025 has been lodged in Police Station Chhachhrauli, District Yamuna Nagar. 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, 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 the statement of Sanjeev Kumar, hereinafter being referred to as 'complainant' only. In the abovementioned complaint, it was stated by the complainant that on 19.01.2025, one of his sons, namely Aryan, along with his two friends Rakesh and Arun was going to Village Telipura on motorcycle of Arun, and that on the way near Village Fatehgarh,



they consumed liquor, and then proceeded further. As per complainant at about 07:30 pm, when they reached near Power House Dadupur Head. Aryan received a call on his mobile phone and therefore, he stopped the motorcycle and alighted from the motorcycle, and when he was talking on phone, a boy came there and inflicted injury on the person of Aryan with the help of knife. As per complainant, he was followed by another person, who inflicted injury on the person of Arun, and thereafter, they ran away from the spot.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged, and investigation taken up. According to prosecution, during the course of investigation, the petitioner and his co-accused Tarsem Singh were arrested.

4. The learned State Counsel has filed status report as well as custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contented on behalf of the petitioner that the petitioner has already suffered a long incarceration for being in custody for a period of more than 09 months, and that in the present case, all the material witnesses have already been examined, who have not supported the prosecution case with regard to involvement of petitioner in the commission of crime.

7. *Per contra*, the learned State Counsel has argued that allegations against the petitioner are of serious nature, and that the trial is progressing at a reasonable pace. According to learned State Counsel, in view of gravity of offence, the petitioner is not entitled for benefit of bail.



8. The record has been perused carefully.
9. 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: -
- i) that the petitioner is already in custody for a period of more than 09 months;
 - ii) that the complainant and two eye-witnesses, who have already been examined, have not supported the prosecution case with regard to the fact that fatal injury on the person of Aryan and injury on the person of Arun were inflicted by the petitioner;
 - iii) that nothing is left to be recovered from the possession of petitioner;
 - iv) that the trial is not likely to be concluded in near future;
 - v) that the petitioner has clean antecedents;
 - vi) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
 - vii) 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
 - viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.
10. 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”.

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 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”.

12. 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”*.

13. 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**.

14. 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.



15. 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.

16. 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 13, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No