



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

225

CRM-M No.63578 of 2025 (O&M)

Date of Decision: 18.11.2025

Amit Kumar

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Pawan Kumar Hooda, Advocate
for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

Mr. Sahil Choudhary, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 115, 126, 190, 191(3) and 351(3) of BNS [challan has been presented under Sections 115, 118(2), 126, 3(5) and 351(3) of BNS], the FIR No.449 dated 06.08.2025, has been lodged in Police Station Industrial Sector-29, Panipat District Panipat. 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 under Section 483 of BNSS. This is first petition for grant of bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of 'Sagar' son of 'Jagpal Singh', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 06.08.2025 when he along with his cousin 'Vishal' was going home on bike, they were intercepted by a Black Scorpio. According



to complainant, 'Sandeep' had displayed a pistol and he along with 'Rahul and 'Mohit' alighted from the vehicle and launched an attack upon them with the help of an axe, with an intention to kill. According to complainant his cousin tried to run away from the spot but he was chased by a person carrying axe and pistol. It was also stated by the complainant that 'Pardeep' son of 'Oma' was also one of the assailant and that two persons were sitting in the car.

3. It is the case of the prosecution that on basis of above mentioned statement formal FIR was lodged and the investigation taken up. As per prosecution during the course of investigation when co-accused 'Mohi't was interrogated he suffered a disclosure statement wherein he stated that other two persons who were sitting in the car were petitioner-Amit and Manish. It has been further alleged by the prosecution that when petitioner-Amit was arrested he suffered a disclosure statement and that pursuant to such statement a wooden handle has been recovered.

4. Notice of motion.

5. Since advance notice has already been served, Ms. Deepali Verma, AAG, Haryana, appears on behalf of respondent-State, and waives service.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State, and the learned State counsel has opted to oppose the present petition orally.

7. Mr.Sahil Chaudhary, Advocate has put in appearance on behalf of the complainant and files his memorandum of appearance.

8. Heard.



9. It has been contended on behalf of petitioner that name of petitioner does not figure in the FIR and that the injury which has been declared to be grievous in nature has not been attributed to the petitioner.

10. Per contra, the learned State counsel being assisted by learned counsel for the complainant has argued that the grievous injury with the help of sharp edged weapon, i.e. axe, has been inflicted in the present case and that the petitioner himself had suffered a disclosure statement and pursuant to that disclosure statement a *danda* has been recovered.

11. The learned counsel for the complainant has specifically contended that till the recording of statement of complainant, the benefit of bail should not be afforded to the petitioner.

12. The record has been perused carefully.

13. 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 offence is triable by the Court of Judicial Magistrate;
- ii) that the name of petitioner does not figure in the FIR. As per contents of the complaint no role has been played by petitioner at the time of commission of offence, and it is only the subsequent development which has taken place during the course of investigation, that a *danda* has been recovered pursuant to disclosure statement;
- iii) that the petitioner has already suffered incarceration for a period of 3 months;
- iv) that nothing is left to be recovered from the possession of the petitioner;



- v) that the trial of the case is not likely to be concluded in near future;
- vi) that detention of the petitioner in judicial lock up is not likely to serve any purpose;
- 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 the witnesses;
- viii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

14. To deal with similarly situation the guiding principles have been laid down in the case of '**Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence**' 2018(3) RCR (Criminal) 954, wherein the Hon'ble Supreme Court of India held that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

15. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of '**Preet Kamal Vs. State of Punjab**', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

16. 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”.

17. 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 neg-*



ative 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”.

18. 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*”.

19. 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**.

20. 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 that the present petition deserves to be allowed.

21. 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 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 decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

22. 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

18.11.2025
Manoj Bhutani

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