



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M No.65501 of 2025 (O&M)

Date of Decision:27.11.2025

Karamjit Singh @ Karamjeet Sigh @ Sonu

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.Munish Behl, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

Mr. Sanyam Khetarpal, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 110, 115(2), 117(2), 333, 351(2) and 3(5) of BNS, the FIR No.115 dated 08.08.2025 has been lodged in Police Station Shahzadpur, District Ambala. 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 first petition for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the basis of statement of 'Gurcharan Singh' son of 'Darbara Singh', hereinafter being referred to as 'complainant' only. It was stated by the complainant that his son 'Gurpreet Singh' had extended a loan of Rs.1,50,000/- to 'Manpreet' son of 'Jasbir Singh', and when 'Gurpreet Singh' asked for the return of above mentioned loan 'Manpreet' got angry. According



to complainant, due to above mentioned annoyance on 07.08.2025 at about 11.00 A.M. 'Manpreet' and 'Sonu' armed with sticks came to their home in a car and after alighting from the car hurled abuses to them. As per complainant when his wife 'Jasbir Kaur' came out she was attacked by 'Manpreet' and 'Sonu' with the help of sticks resulting into fracture in her arms. The complainant further alleged that when he heard commotion he came out of the room and that on his arrival with an intention to kill him 'Manpreet' and 'Sonu' hit him with the help of sticks in his hand and when he fell down injury on his various body parts, such as stomach, chest, shoulder and private parts, were inflicted. As per complainant, when he screamed for help 'Jaswinder' son of 'Darbara' reached the spot, and thereafter, the assailants fled from the spot.

3. It is the case of the prosecution that in view of above mentioned statement formal FIR of this case was lodged and investigation taken up.

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. No formal reply has been filed by the State. However, the learned State counsel has opted to orally oppose the present petition.

7. Mr.Sanyam Khetarpal, Advocate has put in appearance on behalf of he complainant and filed his memorandum of appearance.

8. Heard.

9. It has been contented on behalf of the petitioner that petitioner is



innocent, who has been falsely implicated in the present case. According to petitioner Section 110 BNS has been invoked in the present case but there is no injury which could have been proved to be dangerous to life. It has also been contended by learned counsel for the petitioner that otherwise also the weapon of offence attributed to the petitioner was stick only which cannot be termed to be a dangerous weapon.

10. It has also been argued by learned counsel for the petitioner that otherwise also the petitioner is in custody almost for a period of 3 and ½ months, and that nothing is left to be recovered from the possession of petitioner, and the trial is not likely to be concluded in near future. As per learned counsel for the petitioner the injured has already been discharged from the hospital, and that in the given fact-situation the petitioner is entitled for bail. According to learned counsel for the petitioner, in fact, when the petitioner visited the house of complainant they were attacked by the complainant and his family, and serious injuries on their person were inflicted by the complainant and his family.

11. The learned State counsel being assisted by learned counsel for the complainant has argued that there were very specific and categorical allegations of causing serious injury on the person of complainant by entering into his house, and that the entire incident has been recorded in the CCTV camera. As per learned State counsel the counsel for the complainant has placed on record the CCTV footage in a Pen Drive, and that the contents of CCTV footage makes it abundantly clear that a brutal thrashing was done by the petitioner and his co-accused. According to learned State counsel if released on bail the petitioner is likely to misuse the concession of bail, and therefore, he is not



entitled for the benefit of bail.

12. The record has been peruse carefully and the CCTV footage has been watched.

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 petitioner has already suffered incarceration for a period of almost 3 ½ months;
- ii) that the injured has already been discharged from the hospital;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial of the case is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vi) 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;
- vii) 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. 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”.

15. 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”.

16. 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*”.

17. 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**.

18. 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.



19. 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.

20. 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

27.11.2025
Manoj Bhutani

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