



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

212

CRA-S-345-2026

Date of decision : 12.03.2026

HIMANSHU & BHOLA @ BEDU

..... APPELLANT

VERSUS

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vikram Singh Lakhlan, Advocate
for the appellant.

Ms. Deepali Verma, Asst. A.G. Haryana.

Mr. Rohan Gupta, Advocate
for the respondent No.2.

SURYA PARTAP SINGH, J.

1. On 29.07.2025, the Additional Sessions Judge, Bhiwani/Judge Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as trial Court only, has dismissed the application for bail moved by the appellant. Aggrieved of the above-mentioned order, hereinafter being referred to as impugned order, the present appeal has been filed. The above-mentioned application was filed in a case arising out of FIR No.289 dated 25.05.2024 under Sections 302, 34, 120B of Indian Penal Code and Section 3(2)V of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as SC & ST Act, Police Station Sadar, District Bhiwani. The appellant has been arrested in the above-mentioned case as an accused.

2. The present appeal has been preferred by the appellant on the ground that the impugned order has been passed without proper appreciation of fact and the relevant law, and that an error of judgment has been committed by the learned trial Court while refusing the benefit of bail to the appellant, who has no criminal antecedents.

3. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Monu Kumar', hereinafter being referred to as complainant only. It was stated by the complainant that his brother Sombir was an Auto rickshaw driver by profession, and that on 25.05.2024, he came to know that Sombir, who was driving his Auto rickshaw was accompanied by Rahul & Bedu, and that he had been stabbed with a knife. According to complainant, on receipt of above-mentioned information, he along with his friend rushed to the spot and shifted his brother Sombir to Government Hospital, Bhiwani, where he was declared dead.

4. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, the accused Rahul was arrested, who, on interrogation, suffered a disclosure statement



that his sister used to travel between village Manheru and Bhiwani for the training in a Beauty Parlour. According to above-named accused she used to travel by Auto rickshaw, and in that process, she came in contact of deceased, who started talking to him. According to above-named accused, on account of above-said relationship he had a grudge against the deceased, and therefore, planned to kill him. As per above-named accused on 25.05.2024, they blocked the Auto rickshaw of deceased and called Ashok Kumar, who came on a motorcycle, and thereafter, they executed their plan. According to prosecution, the appellant participated in the commission of offence as he had taken the deceased into his grip, and thereafter, multiple injuries with a knife were inflicted on the person of deceased by other assailants.

5. Mr. Rohan Gupta, Advocate appears on behalf of respondent No.2. He has filed power of attorney. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the appellant that there is no eye-witness account in the present case, and that the appellant has already suffered a prolonged incarceration as he is in custody for a period of more than one year, nine and half months. The learned counsel for the appellant has also contended that the appellant has clean antecedents, and that the trial is not likely to be concluded in near future, as out of thirty three prosecution witnesses, only sixteen have been examined. According to learned counsel for the appellant, the private witnesses have already been



examined in this case, and therefore, the appellant is entitled for the benefit of bail.

8. The learned State counsel being assisted by learned counsel for the complainant has controverted the above-mentioned arguments. According to learned counsel for the complainant, in the present case a pivotal role has been played by the appellant in the commission of crime as there are allegations that he had taken the deceased into his grip, which facilitated the co-accused in inflicting injuries on the person of deceased. While claiming that the release of appellant may have an adverse impact upon the outcome of trial, as the appellant may influence the witnesses. The learned State counsel being assisted by learned counsel for the complainant has sought for the dismissal of present appeal.

9. The record has been perused carefully.

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

- i) that the appellant is already in custody for a period of more than one year, nine and half months;
- ii) that the appellant has no criminal antecedents;
- iii) that no weapon, whatsoever, has been recovered from the possession of appellant;
- iv) that nothing has been left to be recovered from the possession of appellant;



- v) that the private witnesses have already been examined, and out of thirty three prosecution witnesses only sixteen have been examined so far;
- vi) that the trial of the case is not likely to be concluded in near future;
- vii) that the detention of appellant in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the appellant may tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that if released on bail, the appellant will not co-operate/participate in the trial.

11. With regard to fact situation of present case, the principles of law laid down by the Hon'ble Supreme Court of India 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”.

12. 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) 10 SCC 51, 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”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, 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”.

14. 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”, 2024 SCC Online SC 4354.

15. 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 appellant is entitled for the benefit of bail, and that the present appeal deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present appeal is hereby ***allowed*** and the impugned order is hereby set aside. The appellant is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-



- (i) that the appellant 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 appellant 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 appellant shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

12.03.2026
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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No