

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

214

CRA-S-281-2026**Date of decision: 01.04.2026**

Pardeep

.....Appellant

Versus

State of Haryana and Anr

.....Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Aman Mehta, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

Mr. Salil Dev Bali, Sr. Advocate with

Ms. Archana Chauhan, Advocate for respondent No.2.

AARADHNA SAWHNEY, J (ORAL)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the appellant in case FIR No.291 dated 10.11.2024 under Section 108 of BNS (Section 306 IPC), 3(2)(v) of SC & ST Act registered at Police Station Siwani, Bhiwani.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

“On 10.11.2024, a telephonic message was received in police post that one Satbir, resident of Gurera, has committed suicide by consuming poison in the fields of Amrik, Sarpanch of village Dhani, Shilawali. On receipt of information, the police authorities reached the site where they noticed the dead body of Satbir lying in the field. Zilopati, wife of Satbir, her son Jaidev and 30-40 other persons were also present there. After waiting for some time, the wife of the deceased filed a complaint pointing therein that for the last five years her husband Satbir had been cultivating half share of land belonging to Suresh and Amrik, residents of Dhani, Shilawali. She also used to extend a helping hand to her husband who most of the times lived in the house situated on the field. After harvesting crops of cotton, mustard, cluster bean and gram, Pardeep son of Suresh and Vijender son of Amrik, brought it to their houses and sold the said crop of their own. Many a times, her husband requested Vijender and Pardeep to settle the



accounts, but they kept on postponing the matter on one pretext or the other. She and her husband performed the marriage of their daughter in January this year and were going through extreme financial hardship, when Rs.50,000/- were given to her husband by the aforementioned two persons who also charged 10% interest over the said amount. Repeated requests made by her and her husband to Pardeep and Vijender to settle their accounts fell on deaf ears. Rather, they threatened and made it clear that they do not owe any amount and compelled her and her husband to clear the debt. On this count, her husband was under tremendous mental stress for the last 10-15 days and had confided in her that in case Vijender and Pardeep do not settle the account, he would be left with no other alternative but to commit suicide. On the previous day at about 2.00 in the afternoon, her husband returned back from the fields to his house in village Gurera. At about 8 p.m. in the evening, her son Jaidev left her husband in the field. Shockingly enough, next day in the morning, they heard that Pradeep-her husband had committed suicide by consuming poison. Immediately thereafter, they reached the spot and noticed that her husband had written the names of Vijender, Pardeep and mother of Pardeep on the wall of the room as being the persons responsible for his death. Primarily with this backdrop, she requested the police authorities to catch hold of all those who are responsible for Pardeep (her husband's) death, and to initiate appropriate proceedings against them. On the basis of said complaint, aforementioned FIR came to be registered.

During the investigation, police authorities visited the site, videography was got conducted, incriminating material, including the poison bottle lying at the spot, was taken into possession, photograph of the words written on the wall were also taken, statement of witnesses were recorded, post-mortem examination of the dead body was got conducted, after which it was handed over to the family members for performing last rites. On culmination of investigation, challan was filed.”



Appellant-accused, who was arrested on 24.10.2025, filed two applications for grant of bail before the Court of Sessions. The first application was dismissed as withdrawn vide order dated 24.12.2025. The second one was dismissed on 16.1.2026. Aggrieved of which, the present appeal has been filed.

3. Learned counsel for the appellant contends that appellant has been falsely implicated in the present case. Falsity of the case set up by complainant is apparent from the fact that he levelled similar allegations against two other persons, namely Vijender son of Amrik, and Shakuntala, wife of Suresh, both of whom were declared *innocent* by the investigating officer. Despite there being no additional independent incriminating material against the present appellant, he was challaned, thus demonstrating the biased attitude of the Investigating officer.

The next leg of submission raised by learned counsel for the appellant is that even if the allegations levelled in the FIR are presumed to be true at their face value (though not admitted), it is apparent that the controversy revolves around alleged non-settlement of agricultural/monetary accounts, which is purely a civil dispute. Non-settlement of accounts cannot be treated as an *instigation* on the part of the present appellant, which drove deceased to such a point where he had no option but to commit suicide. Furthermore, even in the “Suicide note”, no specific overt act in close proximity with the death of the deceased has been pointed out which compelled him and brought him to such a situation in life where he was compelled to end his life. Thus, prima facie no offence under section 306 IPC is made out. In support of his contentions, learned counsel places reliance on following judgments of the Hon’ble Supreme Court:-

(i) “Abhinav Mohan Delkar Vs. The State of Maharashtra & others”

(2025(3) RCR (Criminal) 871), decided on 18.08.2025.

(ii) “Amalendu Pal Vs. State of West Bangal”, ((2010) 1 SCC 707).

(iii) “Gurcharan Singh Vs. State of Punjab”, ((2010) 1 SCC 200).



Next leg of arguments raised by learned counsel for appellant is that in the wake of challan having been filed, but none of the prosecution witnesses having been examined till date, likelihood of completion of trial in the near future is quite bleak. When appreciated in the light of factual scenario of the case in hand, further incarceration of petitioner, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

4. Per contra, while opposing the request for grant of bail, learned State Counsel accompanied by Sh. Salil Bali, Senior Advocate for the complainant, vehemently contends that the appellant took undue advantage of the deceased, a person belonging to SC community, compelled him to work as a labourer in his field, did not pay him the due wages and despite his (deceased) repeated requests, did not settle the accounts. Though, on the marriage of daughter of the deceased, Rs. 50,000/- were given to the deceased, but it was made clear that the money has been given as a loan, that too at an exorbitant rate of interest. These compelling circumstances brought deceased to such a situation in life where he had no option but to commit suicide.

It is further submission of both the counsel that if extended the concession of bail, likelihood of the petitioner fleeing from the process of justice by not appearing in the court and overawing the complainant/related witnesses are quite high. Dismissal of the petition has been prayed for.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.



7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in “**Gurbaksh Singh Sibbia V. State of Punjab**”, ((1980) 2 SCC 5) held as under:-

“27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra v. King-Emperor [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the ‘Meerut Conspiracy cases’ observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. Hutchinson [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore



entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. *Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)*

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. *In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29) “29“There cannot be an inexorable formula in the matter of granting bail.*

The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. *In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:*

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

Recently, a Co-ordinate Bench of this Court in **Neelkamal Singh Alias Billa Vs. State of Punjab** passed in **CRM-M-39765-2024** has held that



although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

“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 “Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98.

Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “Baljinder Singh alias Rock vs. State of Punjab” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”

In Pardeep Kumar @ Banu vs. State of Punjab passed in Criminal Appeal No.1341-2026 (arising out of SLP (Crl) No.18775-2025), vide



order dated 13.03.2026, Hon'ble Supreme Court having regard to the period of custody undergone by the appellant as also the fact that trial had not commenced, granted bail to the accused-appellant, who was charge sheeted under Sections 386,307,506,120-B IPC and Sections 25(6) and 27 of the Arms Act (Sections 482 and 411 IPC were added later on) on the ground that continued incarceration of the appellant would not be justified in the given circumstances.

6. Factual aspects leading to the lodging of FIR have already been noticed in para 2 of this order. Be that as it may, taking into consideration the fact that appellant, whose past antecedents are clean and who has been in custody since 24.10.2025 but till date none of prosecution witnesses have been examined, thus, the possibility of trial in the near future is quite remote. Accordingly, the Court is of the opinion that no useful purpose would be served by his (p) further detention, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "Bail is a general rule and incarceration is an exception" as held by Hon'ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

7. Resultantly, appellant is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.*
- (ii) The appellant will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The appellant will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*



(iv) The appellant shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(v) The appellant shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vi) The appellant shall not in any manner misuse his liberty.

(vii) The appellant shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the appellant seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(viii) The appellant shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the *appellant* by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

01.04.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No