



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

106

CRM-M-7162-2025 (O&M)

Date of decision : 25.02.2026

Mangjit Singh @Mangi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Nikhi Ghai, Advocate and
Mr. Akhil Godara, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Ankit Gupta, Advocate for the complainant.

SURYA PARTAP SINGH, J. (oral)

This petition for bail is first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.238 dated 23.08.2023, for the commission of offence punishable under Sections 307, 452, 326, 323, 506 of Indian Penal Code, Police Station Tanda, District Hoshiapur.

2. The abovementioned FIR came into being at the instance of 'Kashmir Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was having a common wall with Kishan Singh, and that the son of Kishan Singh, namely Mangjit Singh @Mangi (petitioner herein), used to claim that the abovesaid wall belonged to them. According to complainant, he had been regularly threatening for several days that he will demolish the wall. It was further stated by the



complainant that on 22.08.2023, the petitioner came to their house, and hurled abuses to the complainant, and thereafter, with the help of a datar he assaulted the complainant, inflicted injuries on his person. As per complainant, in the abovementioned attack he lost a part of his index finger, which was chopped-off due to injury caused with the help of datar. According to complainant, he suffered serious injuries to the thumb of his right hand, also.

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

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year and five months. According to learned counsel for the petitioner, the trial is taking place at a slow pace as out of twenty three prosecution witnesses, the examination-in-chief of only three witnesses has been recorded. It has also been contended by learned counsel for the petitioner that although the petitioner has been prosecuted in the past for three other cases, but in one case, the FIR was quashed and in two cases, he has already been acquitted. According to learned counsel for the petitioner, as on today except the present case, there is no other case pending against the petitioner.

6. In addition to above, the learned counsel for the petitioner has also contended that the petitioner is ready to undertake that till the



completion of cross-examination of material witness, i.e. the complainant/ injured, the petitioner will not enter in the same locality, and that the petitioner is also willing to compensate the complainant, who is his next door neighbour.

7. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that in the present case, the cross-examination of complainant is yet to be recorded, and if benefit of bail is accorded to the petitioner, he may intimidate the complainant.

8. In addition to above, the learned counsel for the complainant has contended that the allegations against the petitioner are for the commission of offence of serious nature, as the index finger of the right hand of the complainant has been severed.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the petitioner is already in custody for a period of more than one year and five months;
- ii) that nothing has been left to be recovered from the possession of petitioner;
- iii) that the trial is not likely to be concluded in near future;



- iv) that the petitioner is neither a previous convict, nor he is facing any other prosecution, except the present one;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) 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
- vii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. In the 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 petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. 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 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 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;
- (iii) that the petitioner shall not leave India without prior permission of the trial Court; and
- (iv) that till the cross-examination of complainant is complete, the petitioner shall not enter into the locality of complainant, and he will pay Rs.50,000/- to the complainant as compensation.

(SURYA PARTAP SINGH)
JUDGE

25.02.2026

Gaurav Thakur

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