



CRM-M-7403-2025

1

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

133

CRM-M-7403-2025

Date of decision: 19.02.2026

ANKIT KUMAR SINGH ALIAS GANDHI

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Mehak Ghangas, Advocate for
Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. This first petition for bail has been filed by the petitioner with regard to a case arising out of FIR No.244 dated 17.09.2022 under Sections 25, 27, 54, 59 of Arms Act and Sections 302, 34 and 201 of Indian Penal Code, Police Station Sector 17/18, District Gurugram. The above-mentioned FIR came into being at the instance of Surendra, who had stated that he was working as a photographer in Delhi, and that Pankaj Kumar the brother-in-law of the brother-in-law of the complainant, was living in a rented accommodation in Udyog Vihar Phase-IV, Gurugram. According to complainant he was informed by his brother-in-law Saroj that Pankaj Kumar had been shot by somebody in village Sarhaul, and that he was admitted in Manipal Hospital, Sector 23, Gurugram. According to complainant on receipt of above-mentioned message he went to Sarhaul and enquired from various



persons about the identity of assailants and also examined the CCTV footage and came to know that at 08:20AM when Pankaj was going to his company office, where he was employed, three boys followed him and shot him in the parking area constructed on the ground floor of the house of Pawan Yadav. It was also stated by the complainant that the above-said three assailants fled from the spot on a motorcycle, and that Pankaj Kumar passed away on account of injuries suffered in the abovementioned incident.

2. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution motorcycle used at the time of commission of crime was identified with the help of CCTV footage and thus the identity of assistants was established. They were found to be Roshan, Ankit (petitioner herein) and Aman. According to prosecution the above-named assailants were arrested and further investigation taken up.

3. It has also been alleged by the prosecution that during the course of investigation the accused Ankit was arrested and from his custody the weapon of offence has been recovered.

4. Heard.

5. The record has been perused carefully.

6. A perusal of record shows that in the present case, following are the 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 03 years and 02 months;
- ii) that the trial is taking place at a slow pace as out of thirty four witnesses, only seven witnesses have been examined so far;
- iii) that there is no eye-witness account of the incident and the entire



case is based upon circumstantial evidence;

- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any useful 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;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

7. 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) 3 SCC 22, 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”.

8. 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”.

9. 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”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Manmandal and Another v. State of West Bengal’, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and ‘Rabi Prakash v. State of Odisha’, 2023 SCC Online SC 1109, extended the benefit of bail to the accused, who had been incarcerated for a period of almost 2-3 years and the trial was likely to take considerable time. The above-mentioned benefit has been given by observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article-21 of the Constitution

11. 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.

12. If the cumulative effect of all the above-mentioned 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.

13. 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 above-said 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; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

19.02.2026

vipin

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