

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-6977 of 2026****Date of Decision: 11.02.2026**

Harsh Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Naveen Kashyap, Advocate
for the petitioner(s).Mr. Vikram Singh, Assistant Advocate General,
Haryana.**Surya Partap Singh, J.**

1. This first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only, has been moved for grant of bail with regard to a case arising out of FIR No. 537 dated 10.10.2025, under Sections 115,(2), 126(2), 190, 191(2), 191(3), 351(3), 110 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 Police Station Sector 58, District Faridabad, Punjab.

2. The above mentioned FIR came into being at the instance of “Manish Tayal”, hereinafter being referred to as “complainant” only. It was stated by the complainant that on 04.10.2025 at about 04:30 pm, when he was present in his shop, six boys riding on three different motorcycles came to his shop, and after pushing customers aside, they attacked him with the help of steel rod. As per complainant, when the assailants were trying to hit

his head with the help of stick, in order to save himself he put his hand on his head, and thus, suffered injuries on his hand. The complainant further stated that when he lost conscious, the assailants fled from the spot.

3. It is the case of the prosecution that on the basis of above-mentioned complaint, formal FIR of this case was lodged, and the investigation taken up. As per prosecution, during the course of investigation, the complainant got his supplementary statement recorded, wherein he introduced a new story with regard to enmity with 'Kailash Chand Garg', with whom he had a quarrel about one and a half year back. According to prosecution, 'Kailash Chand Garg', on interrogation, suffered a disclosure statement, wherein he nominated the present petitioner.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. As per learned counsel for the petitioner, firstly there is delay of six days in lodging the FIR, and secondly, in the FIR, the names of any assailants do not figure. The learned counsel for the petitioner has further contended that in the FIR, it was specifically mentioned that the complainant was not having any enmity with anybody but later on, i.e. after ten days of the incident, he suffered a supplementary statement disclosing the name of one person, namely 'Kailash Chand Garg', on whose disclosure statement, the petitioner has been implicated in the present case.

6. In addition to above, the learned counsel for the petitioner has also contended that otherwise also, no injury, which can be said to be dangerous to life, was inflicted on the person of complainant, and that the

identification of petitioner as one of the assailants cannot be established as the complainant himself has stated that at the time of incident the assailants were muffled faced. While alleging that the disclosure statement, on the basis of which the petitioner has been nominated, is inadmissible in evidence, the learned counsel for the petitioner has sought for the benefit of bail for the petitioner.

7. While controverting the above mentioned arguments, the learned State counsel has contended that the allegations against the petitioner are of serious nature, and that the disclosure statement, suffered by co-accused, specifically nominates the petitioner as the person instrumental for attack.

8. The record has been perused carefully.

9. Taking into consideration the above mentioned facts and circumstances of the present case, following factors deserve to be taken into consideration:-

- i) that the petitioner is already in custody for a period of almost more than three months & 25 days;
- ii) that the name of petitioner does not figure in the FIR and it has specifically mentioned in the FIR that the complainant was not having any enmity with anybody;
- iii) that the name of co-accused 'Kailash Chand Garg', for the first time, has been introduced by the complainant after ten days of incident;
- iv) that the petitioner has been implicated on the basis of disclosure statement suffered by co-accused Kailash

Chand, and the above-mentioned disclosure statement of co-accused was recorded, when he was already in police custody. Thus, there is a question mark with regard to credibility and admissibility of above-mentioned disclosure statement in evidence;

- v) that trial of the case is not likely to be concluded in near future;
- vi) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that no specific role has been attributed to the petitioner in the FIR itself;
- viii) that the petitioner has clean antecedents;
- ix) that nothing is left to be recovered from the possession of petitioner;
- x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of *Dataram v. State of Uttar Pradesh and Another*(2018) 3 Supreme Court Cases 22, has 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.”

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of *Satender Kumar Antil v. Central Bureau of Investigation* (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

12. Recently, in the case of Tapas Kumar Palit v. 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 above mentioned 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.”

13. 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.

14. 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.

15. 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:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

16. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 11, 2026

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No