



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

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CRM-M No.8857 of 2026 (O&M)

Date of Decision: 06.05.2026

Kailash Chand Garg**.....Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Ram Kumar Saini, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

Mr. Chandramani Kumar, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.537 dated 10.10.2025, for the commission of offence punishable under Sections 115(2), 126(2), 190, 191(2), 191(3), 351(3) [Sections 110 and 61(2) added later on] of 'Bharatiya Nyaya Sanhita 2023', Police Station Sector-58, District Faridabad.

2. In nut-shell, the facts emerging from record are that the FIR of this case 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 steel rods. As per complainant, when



the assailants were trying to hit his head with 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 abovementioned complaint, formal FIR of this case was lodged, and the investigation taken up.

4. **Notice of motion.**

5. Since advance notice has already been served, Ms. Deepali Verma, AAG, Haryana, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

6. Mr. Chandramani Kumar, Advocate puts in appearance on behalf of the complainant. He has filed the Power of Attorney. The same be taken on record.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner, *firstly*, there is delay of six days' in lodging the FIR, and *secondly*, in the FIR, the name of any assailants has not been mentioned. The learned counsel for the petitioner has pointed out that in the



FIR, it has specifically been mentioned that the complainant was not having any enmity with anybody, but later on, i.e. after 10 days of the incident, he introduced the name of one person, namely Kailash Chand (the petitioner herein), thus, the petitioner has been implicated in the present case.

9. In addition to above, the learned counsel for the petitioner has also argued that otherwise also, no injury, which can be said to be dangerous to life, has been inflicted on the person of complainant, and that identification of the 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. Thus, learned counsel for the petitioner has craved for the benefit of bail for the petitioner.

10. The learned State Counsel has controverted the abovementioned arguments on the ground that allegations against the petitioner are of serious nature.

11. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than six months and nineteen days;
- ii) that the investigation in this case is already complete and nothing has been left to be recovered from the possession of the petitioner;
- iii) that the trial of the case is not likely to be concluded in near



- future;
- iv) that the custody certificate shows that petitioner has clean antecedents;
 - v) that the detention of the petitioner in judicial lock up is not likely to serve any purpose;
 - vi) that there is nothing on record to show that if released on bail, the petitioner is likely to 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.

13. 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”.

14. 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 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”.

15. 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”.

16. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

17. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

18. 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 abovesaid benefit 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 from disclosing 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 trial Court.

19. It is, however, made clear that any observation made hereinabove 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

06.05.2026
Manoj Bhutani

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