

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

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**CRM-M-11484-2026 (O&M)
Decided on : 29.04.2026**

Rohit @Golu @Rohit Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Mohit Kakkar, Advocate
for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J. (Oral)

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.307 dated 14.09.2025, for the commission of offence punishable under Sections 351(3), 333, 238(a), 193(3), 190, 115, 109(1) [Section 115(2), 3(5) and 61(2) added later on] of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, Police Station Matladua, District Panipat Haryana.

2. The above mentioned FIR came into being at the instance of 'Bijender', hereinafter being referred to as "complainant" only. It was stated by the complainant that his brother, namely 'Sahil' was co-accused with 'Sumit' in a criminal case, filed by the police for being in possession of country-made pistol. As per complainant Sumit's friend 'Vansh' had an evil eye on the wife of his cousin, namely 'Manish' and due to above mentioned conduct of 'Vansh', he was beaten up by 'Sahil' and even a gun-shot was



fired upon him for which a case, vide FIR No. 80 dated 09.04.2024 was registered in Police Station Matlauda. The complainant further stated that his brother 'Sahil' was on bail in the above mentioned case, but 'Sumit' was nursing a grudge against the complainant, his brother- 'Sahil' and father, and that he had picked-up quarrel with them.

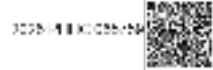
3. According to complainant on 14.09.2025 at about 01.00 P.M. when his brother along with his friends was standing at the gate of their house, and was about to leave to attend a marriage function, 'Sumit alias Kala', 'Rahul alias Ganja', 'Ajay', 'Ankit Maratha', 'Vinay', 'Ankit Kundu' and 'Deepak alias Jakar' came on the gate of their house and slapped 'Ritesh', the nephew of complainant. According to complainant thereafter 'Rohit alias Golu' (the petitioner herein) armed with pistol came from the street side, entered in their house and fired a gun-shot with an intention to kill them, but the bullet hit the wall of their house.

4. 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.

5. 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.

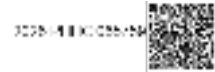
6. The record has been perused carefully.

7. 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 four months & ten days;
- ii. that there is no criminal history of the petitioner;
- iii. that no injury has been attributed to the petitioner;
- iv. that the complainant or any other victim of the incident had not suffered any bullet injury or serious injury;
- v. that nothing has been left to be recovered from the possession of petitioner;
- vi. that the trial is not likely to be concluded in near future;
- vii. that the detention of petitioner in the judicial lock-up is not likely to serve any purpose;
- viii. 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
- ix. that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

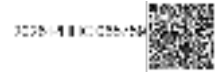
8. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption 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”.

9. 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”.

10. 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”.

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 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.

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 abovementioned concession shall be subject to following conditions:-

- (SURYA PARTAP SINGH)**
JUDGE

Vinod

Yes/No
Yes/No