



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

225

CRM-M-12213-2026

Date of decision: 24.03.2026

SUKHPAL @ BABBU

.....PETITIONER

Versus

STATE OF HARYANA

. RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Gurinder Singh Dhot, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.292 dated 11.12.2025, for the commission of offence punishable under Sections 105, 3(5), [61(2) added later on] of Bhartiya Nyaya Sanhita, 2023, Police Station City Ratia, District Fatehabad.
2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sunil Kumar', hereinafter being referred to as complainant only. It was stated by the above-named complainant



that his nephew 'Aman Mittal' was a drug addict and for the treatment on one occasion he was even admitted in 'Agroha' Medical College. According to complainant his nephew had been working with him for the last one week, and that on 11.12.2025, he received a message that his above-named nephew was lying unconscious in the street. According to complainant, he informed his brother Sunil Kumar and went to the spot, where his nephew was lying and shifted him to Civil Hospital, where he passed away during treatment.

3. In addition to above, the complainant also stated that at his own level he made enquiries and then came to know that his nephew Aman Mittal had purchased intoxicating tablets on the same day from Sukhpal @ Babbu (petitioner herein), and that he died due to overdose of the intoxicating tablets.

4. It is the case of the prosecution that pursuant to above-mentioned information, formal FIR of this case was lodged and the investigation taken up.

5. The learned State counsel has filed the reply and custody certificate. The same be taken on record.

6. Heard.

7. The record has been perused carefully.

8. 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 almost three and half months;
- ii) that the petitioner except two theft cases and one gambling case has no other criminal case pending against him, pertaining to any serious offence;
- iii) that there is no allegation against the petitioner that he himself was instrumental in administering intoxicating substance to the



deceased;

- iv) that except the disclosure statement and the call details, there is no other evidence to show the involvement of petitioner in the supply of intoxicating substance to the deceased. As far as the call details record is concerned, accept the fact that there was conversation between the deceased and the petitioner, it does not prove that intoxicating tablets were delivered by the petitioner to the deceased. Otherwise also the above-said disclosure statement seems to inadmissible in evidence as the same was recorded, when the co-accused was already in police custody and nothing has been discovered pursuant to the statement;
- v) that nothing incriminating has been recovered from the possession of petitioner;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future as out of fourteen not even a single witness has been examined and charge is yet to be framed;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. 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”.

10. 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”.

11. 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”.

12. 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.

13. 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.



14. 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 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

24.03.2026

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