



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

216

**CRM-M-12524-2026 (O&M)
Date of decision : 13.03.2026**

Noorddin

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Jagjot Singh, Advocate for the petitioner.

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

Mr. Karan Pathak and Mr. Rehan Gupta, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.44 dated 20.03.2025, for the commission of offence punishable under Sections 191(2), 191(3), 351(3) of Bharatiya Nyaya Sanhita, 2023, [Section 109(1) and 117(2) of BNS added later on and Section 333 of BNS], Police Station Nagina, District Nuh.

2. The abovementioned FIR came into being at the instance of 'Saikul' son of 'Sahabuddin', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that from his shop, some grocery items, and fodder for animal, were purchased by 'Ayub' son



of 'Amin', but he did not pay money and kept on avoiding the payment on one pretext or the other. According to complainant, on 07.03.2025 when he demanded money from 'Ayub', he refused to pay the same and threatened the complainant to teach a lesson if demanded again.

3. The complainant also alleged that on 08.03.2025, when he was going to home, on the way near the house of 'Ayub' son of 'Ratti', the above-named accused (Ayub son of Amin) along with 'Sadiq', 'Arif', 'Mustaq' and 'Noorddin' (petitioner herein) launched an assault upon him, with the help of wooden handle & iron rods, and they were later on joined by 'Amina', 'Tauhid', 'Qasid', 'Kamruddin' and 'Rihana'. It was further alleged by the complainant that attack on his person was caused with an intention to kill him and that he had sought help from the police by dialing 112.

4. 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.

5. **Notice of motion.**

6. Ms. Deepali Verma, Asst. A.G. Haryana appears 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.



7. Mr. Karan Pathak, Advocate has put in appearance on behalf of the complainant.

8. Heard.

9. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that the petitioner has clean antecedents. According to learned counsel for the petitioner, the injury suffered by Isha and declared to be dangerous to life has not been attributed to the petitioner. It has also been contended by learned counsel for the petitioner that the injured has already been discharged from the hospital, and that the petitioner is also entitled for bail as his co-accused have already been accorded the benefit of bail.

10. The learned State Counsel being assisted by learned counsel for the complainant has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that although the injury which has been declared to be dangerous to life, has not been attributed to the petitioner, yet he is liable for inflicting injury upon the person of injured, and that being the member of assailants' group, the petitioner is not entitled for benefit of bail.

11. The record has been perused carefully.

12. 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 ten months;
- (ii) that the petitioner has clean antecedents;
- (iii) that on parity also, the petitioner is entitled for the benefit of bail, as his co-accused have already been accorded the benefit of bail;
- (iv) that the injured has already been discharged from the hospital;
- (v) that the injury attributed to the petitioner is simple and the injury declared to be dangerous to life has been attributed only to co-accused Zafaruddin;
- (vi) that cross-version has also been registered by the police and in the abovementioned cross-version the accused belonging to opposite party have been released on bail;
- (vii) that the trial is not likely to be concluded in near future;
- (viii) that nothing has been left to be recovered from the possession of petitioner;
- (ix) that the detention of petitioner in judicial lock up is not likely to serve any purpose;
- (x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (xi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

13. In the present case, the principles of law laid down by the Hon'ble Supreme Court 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”.

14. 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”.

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 the accused as mandated



by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

17. 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.

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 abovementioned 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

13.03.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No