



CRM-M-13177-2026

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

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CRM-M-13177-2026

Date of decision: 07.04.2026

PURAV

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Prashant Singh Chauhan 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.396 dated 19.08.2024, for the commission of offence punishable under Sections 126(2), 115(2), 191(2), 191(3) & 190 [Sections 103(1), 109(1) & 238(a) added later on] of Bharatiya Nyaya Sanhita, 2023, Police Station Model Town, District Rewari.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Mahesh Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 18.08.2024 at about 7.00 P.M., on his mobile phone he received a message that a quarrel had taken place with his nephew namely



‘Aryan’ son of ‘Mukhtiar Singh’, the deceased, and that in the above mentioned fighting ‘Aryan’ had suffered the head injury. According to complainant, he was also informed that ‘Aryan’ had been admitted in Pushpanjali Hospital, and therefore, he went there where friend of ‘Aryan’ and other relatives were present. According to complainant, ‘Aryan’ was in critical condition, admitted in ICU and when he inquired about the details of the incident, from the friends of ‘Aryan’, he came to know that a group comprising of 20-30 boys, carrying various types of weapons, such as steel rods and sharp edged articles had attacked ‘Aryan’, who, along with his friends namely ‘Samir’, ‘Haresh’, ‘Deepesh’, ‘Krish’ and ‘Lakshay’ was going on two motorcycle. The complainant further stated that the above mentioned group intercepted the motorcycle of ‘Aryan’ and launched an assault with the help of their respective weapons. As per complainant in the above mentioned incident ‘Aryan’, ‘Samir’ and ‘Haresh’ had suffered injuries.

3. It is the case of the persecution that in view of above mentioned compliant formal FIR of this case was lodged and investigation taken up, and that during the course of investigation on the basis of reliable evidence collected by the Investigating Officer, the petitioner and other accused were arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that the presence of petitioner, on the spot, at the time of occurrence is doubtful in view of the fact that the disclosure statement of co-accused ‘Dhruv Kumar’ no where disclosed the name of the petitioner, as a member of the group which



was allegedly involved in the commission of offence.

6. In addition to above, the learned counsel for the petitioner has also contended that the petitioner is a young boy barely of 20 years of age and he has no criminal antecedents. It has further been contended by learned counsel for the petitioner that petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 1 year, 6 months & 26 days, and that trial is not likely to be concluded in near future.

7. *Per contra*, the learned State counsel has contended that the instant case is a case wherein a large group of assailants launched an attack upon the deceased, and other victims, inflicted injuries on their person. According to learned State counsel the above mentioned incident had taken place in a pre-planned manner, after hatching a conspiracy, to commit the offence, and that the plan was executed with a common intention, after making due preparation. As per learned State counsel, in the present case, the statements of material witnesses are yet to be recorded and if the petitioner is afforded the benefit of bail he may influence the witnesses.

8. The record has been perused carefully.

9. 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 one year, six months and twenty six days;
- ii) that the benefit of bail has already been accorded to similarly placed co-accused;
- iii) that allegations against the petitioner are that he was a part of a large group, which was responsible for an assault upon the deceased and other injured, but there is no specific attribution of



any specific injury to the petitioner;

- iv) that no weapon of offence is attributed to the petitioner;
- v) that the fatal blow suffered by the deceased is not attributed to the petitioner;
- vi) that the investigation in this case is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
- vii) that the petitioner has no criminal antecedents;
- viii) that the trial is not likely to be concluded in near future;
- 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 participate/cooperate in the trial.

10. 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”.

11. 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”.

12. 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”.

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 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.

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 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

07.04.2026

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