



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13474 of 2026

Date of Decision: 17.03.2026

Harman alias Nihal alias Harmanpreet Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Mohit Giri, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent No.1.

Ms. Gauri C. Kaushal, Advocate
for the respondent No.2.

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'. It has been filed with regard to a case arising out of FIR No. 23 dated 23.01.2024, for the commission of offence punishable under Section(s) 323, 324, 148 and 149 [Section 326 added later on] of 'the Indian Penal Code, 1860' Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar, Punjab.

2. The FIR of this case came into being at the instance of 'Hanif Mohammad' hereinafter being referred to as "complainant" only. It was stated by the complainant that on 20.01.2024, he had visited 'Simran Resort' to attend the marriage and there, when he came out of washroom, an unknown person attacked him with the help of an iron bar. According to complainant the above-mentioned attempt was not successful, and thereafter,

‘Harman alias Nihal’ (petitioner herein), who was armed with a ‘dattar’ , inflicted a blow on the back side of his left ear. The complainant further alleged that his uncle, namely ‘Rehman Mohammad’ noticed the above-mentioned incident and rushed to rescue him and thereafter, the assailants fled from the spot on the motorcycle of ‘Gulzar’.

3. It is the case of prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State. Hence, service of notice upon the State is hereby dispensed with.

6. Ms. Gauri C. Kaushal, Advocate, has put in appearance on behalf of the complainant/respondent No.2 and filed power of attorney. The same be taken on record.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has clean antecedents, and that he has already served imprisonment for a period of more than one month & 21 days, and that the injured has already been discharged from the hospital.

9. The above-mentioned arguments have been controverted by the learned State counsel being assisted by the learned counsel for the complainants. It has been contended by learned State counsel that the allegations against the petitioner are for the commission of offence which is

pretty serious in nature. According to learned counsel for the complainant in fact there was an attempt to kill the complainant, and that by God's grace only, the petitioner was saved.

10. The record has been perused carefully.

11. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-

- i) that the offence is triable by the court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of more than one month & 21 days;
- iii) that trial of the case is not likely to be concluded in near future;
- iv) that nothing has been left to be recovered from the possession of the petitioner;
- v) that further detention of the petitioner is not likely to produce a fruitful result;
- vi) 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
- vii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

12. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has 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

instaps 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.”

13. 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 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

14. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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 above mentioned 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.”

15. 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.

16. If the cumulative effect of all the above mentioned 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.

17. 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 above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

18. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 17, 2026
“DK”

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