



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

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**CRM-M-13961-2026 (O&M)
Date of decision : 18.03.2026**

Mohinder @Abhishek

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sanpreet Sandhu, Advocate for the petitioner.

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

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.266 dated 28.10.2023, for the commission of offence punishable under Sections 302, 460, 120-B and 34 of Indian Penal Code, Police Station Radaur, District Yamunanagar.

2. The abovementioned FIR came into being at the instance of 'Raj Kumar', hereinafter being referred to as 'complainant' only. It was stated by the complainant that his elder brother, Raja Ram, aged about 65 years was a monk for the last more than 25 years, and that he was staying in Hanuman Temple situated at Sangipur picket. According to complainant, Raja Ram used to sleep in the premises of abovementioned temple itself, and on 28.10.2023 at about 01:30 pm, he got an information at his home that



gate of the temple was bolted from inside. As per complainant, in view of abovementioned information, he reached the temple, along with his family members, where police officials were already present. According to complainant, his son Mohan opened the main gate of the temple by scaling the wall, and thereafter, it was found that latch of the room of his brother Raja Ram was open, and he was lying on the floor in the pool of blood. As per complainant, the blood was oozing out of the head of his brother, and he had already expired.

3. It is the case of the prosecution that acting upon the abovementioned complaint, the formal FIR of this case was lodged and the investigation taken up. According to the prosecution, during the course of investigation on the basis of secret information, the accused, namely Sagar and Abhishek (petitioner herein), were arrested, who on interrogation suffered disclosure statement and implicated Rajesh Kumar @Teli. As per prosecution, Rajesh Kumar @Teli had hatched the conspiracy to commit robbery with other accused and in the abovementioned process, committed murder of the brother of complainant.

4. **Notice of motion.**

5. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. No custody certificate of the petitioner as well as formal reply have been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Heard.



7. It has been contented on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has already suffered a lot of agony for being in custody for a period of more than two years and four month, and that the trial is taking place at a very slow pace, and nothing has been left to be recovered from the possession of petitioner. According to learned counsel for the petitioner, the detention of petitioner in judicial lock-up is not likely to serve any purpose, and therefore, he is entitled for the benefit of bail.

8. The learned State Counsel has contended that although custody certificate of the petitioner has not been filed, but this fact cannot be disputed that the petitioner is at parity with co-accused 'Rajesh Kumar @Teli'.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, although the instant case is a case based on circumstantial evidence, yet there is quite cogent, consistent and reliable evidence against the petitioner comprising of the testimony of petitioner and his co-accused, which led to discovery of fact pertaining to the present case. As per learned State Counsel, in view of gravity of offence committed by the petitioner, he is not entitled for the benefit of bail.

10. The record has been perused carefully.



11. 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 two years and four months;
- ii) that as per learned counsel for the petitioner, the petitioner has clean antecedents;
- iii) that co-accused of the petitioner, namely 'Rajesh Kumar @Teli', has already been accorded the benefit of bail;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that there is no legally admissible evidence against the petitioner;
- vii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- viii) 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
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. 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 also 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”.

13. 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”.

14. 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”.

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 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.

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 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

18.03.2026
Gaurav Thakur

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