



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

CRM-M-14273-2026 (O&M)

Date of decision : 08.05.2026

Manish

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. S.S. Nain, Advocate and
Mr. Devender Harsana, Advocate for the petitioner.

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

Mr. Rishabh Chaudhary, Advocate and
Mr. Balraj Sharma, 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.33 dated 28.01.2024, for the commission of offence punishable under Sections 146, 148, 149, 302, 307, 323, 325, 427 and 460 of Indian Penal Code, Police Station DLF Phase-I, Gurugram.

2. The abovementioned FIR came into being at the instance of 'Naresh Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he along with 'Narveer Dagar' and 'Parveen Dhul' had taken 'Oasis Garden Baliyawas, Gurugram' on

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lease, and that in the intervening night of 27/28 January 2024, few students of Delhi booked the abovementioned farmhouse for a birthday party. As per complainant, 'Narveer Dagar' and 'Parveen Dhul' were present on the spot and he was at home. The complainant further alleged that at about 01:00 am, 'Parveen Dhul' called him and told that 10-15 boys had assembled outside the farmhouse and picked up quarrel with the students, who were enjoying the party. According to complainant, it was also informed that the students were attacked by the abovesaid assailants with bamboo sticks & steel pipes etc., and that thereafter, the abovesaid assailants broke the gate of the farmhouse, forcibly entered therein and thrashed 'Narveer Dagar' and 'Parveen Dhul' also.

3. The complainant has further alleged that the assailants were calling themselves as 'Kanwar', 'Sumit', 'Manshu', 'Ashish' and 'Sachin' etc., and that they were proclaiming that they were local 'Gujjars' and exhorted to kill everybody. According to complainant, the mobile phone of one of the assailants had fallen in the farmhouse, which was later on collected.

4. It is the case of prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up and that during the course of treatment when one of the injured passed away, Section 302 IPC has been invoked. According to prosecution, during the course of investigation, on the basis of lead collected by Investigating Agency, the petitioner and his co-accused were arrested.

5. Heard.



6. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case without any reliable evidence. According to learned counsel for the petitioner, during the course of investigation when the petitioner was arrested, a test identification parade was conducted in the presence of Judicial Magistrate First Class Gurugram. As per learned counsel for the petitioner, in the report dated 11.03.2025, prepared by the abovesaid Judicial Magistrate, it had been specifically mentioned that in the test identification parade, the petitioner was not identified by the complainant.

7. In addition to above, the learned counsel for the petitioner has also contended that in the present case, several eye-witnesses have already been examined as PW-1, namely Sachin Yadav, PW-2, namely Vansh Malhotra, PW-3, namely Tushar, PW-7, namely Sahil and PW-8, namely Dhruv Kishan. As per learned counsel for the petitioner none of the abovementioned eye-witnesses has supported the prosecution case with regard to identity of the petitioner as one of the assailants. According to learned counsel for the petitioner, the petitioner has clean antecedents, and that he has already suffered prolonged incarceration for a period of more than one year. As per learned counsel for the petitioner, the trial is not likely to be concluded in near future and therefore, the petitioner is entitled for the benefit of bail.

8. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. According to learned State Counsel, in the present case numerous eye-



witnesses are yet to be examined, and that there is sufficient evidence to connect the petitioner with the commission of crime. As per learned State Counsel, in the present case the co-accused of the petitioner have suffered disclosure statement, wherein while incriminating themselves, they have revealed the name of petitioner as one of the assailants. According to learned State Counsel in support of abovementioned disclosure statement of co-accused, there is confessional statement of the petitioner. The learned State Counsel, being assisted by learned counsel for the complainant, has further contended that in view of gravity of offence, wherein the valuable life has been lost, and the abovementioned evidence collected by the Investigating Agency, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. 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 in custody for a period of more than one year;
- ii) that the petitioner has clean antecedents;
- iii) that the name of the petitioner does not figure in the FIR;
- iv) that in the test identification parade, the petitioner was not identified by the complainant;
- v) that five prosecution witnesses, i.e. PW-1 (Sachin Yadav), PW-2 (Vansh Malhotra), PW-3 (Tushar), PW-7 (Sahil) and PW-8 (Dhruv Kishan), have not supported the prosecution case with regard to involvement of petitioner in the commission of crime;



- vi) that the investigation in this case is already complete, and therefore, 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;
- viii) that the detention of the petitioner in judicial lockup is not likely to serve any 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; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. 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”.

12. 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”.

13. 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”.

14. 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.

15. 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.

16. 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

08.05.2026
Gaurav Thakur

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