



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-14545 of 2026

Date of Decision: 24.04.2026

Attar Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

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

Present: Mr. Sartaj Singh Narula, Sr. Advocate with
Mr. Baljinder Singh, Advocate
for the petitioner(s).

Ms. Deepali Verma, AAG Haryana.

Surya Partap Singh, J. (Oral)

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.69 dated 13.03.2025, for the commission of offence punishable under Sections 103(1), 109, 190, 191(3), 351(2), 351(3), 333, 61(2), 238-C of Bharatiya Nyaya Sanhita, 2023 and Section 25/54/59 and 27 of Arms Act, Police Station Munak, District Karnal.

2. The FIR of this case came into being at the instance of "Mohit" hereinafter being referred to as "complainant" only. It was stated by the complainant that his brother Sachin was adopted by his uncle, namely 'Jagbir' and that he was unmarried. According to complainant, on 12.03.2024 a quarrel had taken place between them and 'Sombeer', 'Ankit'

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(son of Darshan), 'Sahil', 'Amit', 'Mohit', Sandeep and 'Ankit' son of Shastri. As per complainant on 12.03.2025 at about 08.00 P.M. all the above named persons came to their house in a black Scorpio vehicle and resorted to indiscriminate firing with intention to kill his father, mother and brother. It was also stated by the complainant that one of the assailants who was armed with a 'sword' had inflicted injury on the hand of his father and that in the above-mentioned incident mother of the complainant, namely 'Sumitra' suffered a bullet injury on her chest and later on passed away. According to complainant his father and brother, too, had suffered multiple gun-shot injuries.

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

4. Custody Certificate as well as status report have been filed by learned State Counsel. The same be taken on record.

5. Heard.

6. It has been contended on behalf of 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. As per learned counsel for the petitioner the name of the petitioner nowhere finds mentioned in the FIR, and that the only allegation against the petitioner is that he had provided information to the assailants with regard to presence of victims on the spot. It has also been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year & twenty four days,

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and that the trial is taking place at a snail's pace as out of 51 prosecution witnesses, not even one has been examined. It has also been contended by learned counsel for the petitioner that the co-accused Kela Devi has already been afforded the benefit of bail and that role attributed to the petitioner is at par with the role attributed to 'Kela Devi'.

7. The learned State counsel has controverted the abovementioned arguments. According to learned State counsel in the present case a prominent role has been attributed to the petitioner, as there are allegations that the petitioner was the one who collected information from 'Kela Devi' and passed on the same to the assailants, who executed the assault. As per learned State Counsel in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than one year and twenty four days;
- ii) that the petitioner has clean antecedents;
- iii) that there is no allegation against the petitioner that he was present on the spot at the time of commission of offence;
- iv) that the only role attributed to the petitioner is that he had conducted reconnaissance and provided information to the assailants;
- v) that except the disclosure statement of the co-accused, there is no other evidence collected by the Investigating

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Agency against the petitioner;

- vi) that the investigation is already complete and nothing has been left to be recovered from the possession of petitioner;
- vii) that the detention of petitioner is not likely to serve any purpose;
- viii) 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
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

10. 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 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

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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 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.”

12. 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

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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.”

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 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.

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 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,

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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.

16. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

24.04.2026

Vinod

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No