



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

294

CRM-M-14622-2026 (O&M)
Date of decision : 02.04.2026

Deepak Raj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Harkirat Kaur, Advocate for
Mr. Deepak Arora, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

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 15.04.2024, for the commission of offence punishable under Sections 302, 34, 148, 149 of Indian Penal Code, Police Station Purana Shalla, District Gurdaspur.

2. The abovementioned FIR came into being at the instance of 'Rahul', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 14.04.2024, he along with his wife and the family of his elder brother 'Raju', and cousin 'Dharminder' had attended the fair at 'Pandori Dham', where a boy aged about 20-23 brushed against the shoulder of 'Dharminder'. As per complainant, subsequent thereto a quarrel erupted



between them and the abovesaid boy with the help of others attacked 'Dharminder' with knife. According to complainant with an intention to rescue 'Dharminder' when 'Raju' came forward 2-3 boys, accompanying the abovesaid assailant, joined the attack, and exhorted to kill 'Raju'. The complainant further alleged that thereafter, they inflicted blows on the left side of neck and left shoulder of 'Raju'. As per complainant, 'Raju' was immediately shifted to Hospital at Gurdaspur, and thereafter, to Abrol Hospital, but he passed away during treatment.

3. It is the case of the prosecution that on basis of abovementioned information, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation accused Prince @Abishek Masih and Akash Masih were arrested and when accused Prince @Abhishek Masih was interrogated, he suffered a disclosure statement, wherein he nominated the present petitioner.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

5. Heard.

6. It has been contended on behalf of petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case. The learned counsel for the petitioner has contended that with regard to identity of assailant, the



Investigating Officer had recorded a supplementary statement of the complainant 'Rahul', on 15.04.2024, and that in the abovementioned supplementary statement the names of 'Rahul' son of 'Raju Masih', 'Sanju Masih' son of 'Raju Masih' and 'Aman Kumar' son of 'Harbhajan' were mentioned, but there was no mention of the name of petitioner. The learned counsel for the petitioner has further contended that during the course of investigation the statement of eye-witness of the occurrence, namely 'Dharminder', was also recorded on 16.04.2024 and even in that statement it has been mentioned that fatal blow on the person of Raju was inflicted by 'Abhishek Masih', and not by the petitioner.

7. In addition to above, the learned counsel for the petitioner has also contended that during the course of trial the statement of Dharminder has been recorded as PW-1, and while deposing in the Court, the PW-1 has deposed that fatal blow on the person of deceased 'Raju' was inflicted by 'Rahul' and not by the petitioner. According to learned counsel for the petitioner, the petitioner has already suffered a prolonged incarceration for being in custody for more than one year and eleven months, and that the trial is not likely to be concluded in near future.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, in the present case there are very specific and categorical allegations with regard to commission of murder, and therefore, in view of gravity of offence, 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 already in custody for a period of more than one year and eleven months;
- ii) that the co-accused of the petitioner has already been accorded the benefit of bail;
- iii) that nothing has been left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) 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
- vii) 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

02.04.2026
Gaurav Thakur

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