



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

**217**

**CRM-M-14889-2026 (O&M)  
Decided on : 29.04.2026**

Pawan Khichar

..... Petitioner

**VERSUS**

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. Arnav Ghai, Advocate and  
Mr. Akash Balyan, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

**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.162 dated 07.07.2025, for the commission of offence punishable under Sections 103, 3(5),111, 309(4), 249, 61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 and 27 of Arms Act Police Station City-1 Abohar, District Fazilka.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Himanshu Verma', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 07.07.2025 at about 10.00 A.M. when he was going towards his showroom and his father, namely 'Sanjay Kumar Verma' was parking his car in the parking lot, situated in front of their showroom, three boys riding on a motorcycle came there, and fired gunshots



with the pistol at his father with the intention to kill him. According to complainant, the name of one of the assailants was 'Shakti Kumar' and the remaining two he would identify if produced before him. It was further stated by the complainant that on account of abovementioned bullet injuries, his father passed away.

3. It is the case of the prosecution that in view of the abovementioned statement, the formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, it has been found that the assailants involved in the commission of above-mentioned offence were 'Shakti Kumar', 'Jaskaran Singh alias Karan' and 'Rajinder Singh alias Billa'.

4. With regard to role attributed to the petitioner, it has been alleged by the prosecution that the only role attributed to the abovenamed petitioner is that before the commission of offence, he had provided accommodation to the co-accused who were involved in the incident of shooting. As per story set-out by the prosecution, the above-mentioned events had taken place before the commission of offence.

5. 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.

6. Heard.

7. The record has been perused carefully.



8. 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 nine months;
- ii. that as per story set-out by the prosecution, the petitioner was not present on the spot at the time of occurrence;
- iii. that there is no allegation against the petitioner that he was part of the conspiracy which might have taken place before the commission of crime;
- iv. that there is no direct allegation against the petitioner that he was involved in the commission of crime either directly or indirectly;
- v. that the benefit of bail has already been accorded to the similarly placed co-accused;
- vi. that nothing has been left to be recovered from the possession of petitioner;
- vii. that the trial of the case is not likely to be concluded in near future;
- viii. that the detention of petitioner in judicial lock-up 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.

9. 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 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”.

10. 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”.

11. 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”.

12. 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.

13. 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.

14. 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**

**29.04.2026**

*Vinod*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No