



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

210

CRM-M-15464-2026 (O&M)
Date of decision: 25.05.2026

PARVEEN KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

CRM-12298-2026

This is an application seeking for placing on record certain documents. For the reasons stated in the application, the same is hereby allowed and the documents annexed with the application are taken on record.

Main case

1. This petition for bail is the second petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.0126 dated 04.03.2023 for the commission of offence punishable under Sections 201, 302, 34 [Section 364 added later on] of Indian Penal Code 1860, Police Station Kharokhda, District Sonipat.



2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Babita', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 27.02.2023 at about 12.00 PM 'Rahul' son of 'Sham Lal' (accused in this case) had called the son of complainant namely 'Rahul', hereinafter being referred to as deceased only. As per complainant, the accused 'Rahul' called the deceased at the of shop of 'Parmod', where his cousin namely 'Vikas' was present. According to complainant, 'Vikas' told her that on that day 'Rahul' (accused), the deceased, and two other persons namely 'Yashvir' and 'Parveen' (the petitioner herein) were present and they all left in one car. According to complainant, thereafter her son never returned home, and later on when she tried to contact 'Yashvir', his mobile phone was found switched off, and it was revealed that he was missing from his home. The complainant further stated that on 02.03.2023 mobile phone of the deceased was found in possession of third person, namely 'Jasbir', who told them that he found the mobile phone of the deceased on the bank of canal. It was also stated by the complainant that on 03.03.2023 the dead body of her son was recovered from the canal.

3. It is the case of the prosecution that on the basis of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, the petitioner was arrested.

4. Status report has already been filed by learned State counsel. The same be taken on record. Custody certificate has been filed by learned State counsel. The same, too, be taken on record.



5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than three years, two months and eighteen days, and that the trial is not likely to be concluded in near future as out of twenty seven prosecution witnesses, five witnesses are yet to be examined. It has also been contended by learned counsel for the petitioner that the right of speedy trial and fundamental right of personal liberty guaranteed to the petitioner is being violated in the present case due to delay in trial.

7. In addition to above, the learned counsel for the petitioner has also contended that the instant case is a case, wherein there is no eye-witness account of the occurrence, and that the entire case is based upon circumstantial evidence.

8. The above-mentioned arguments have been controverted by the learned State. The learned State counsel has contended that in the instant case there is a credible evidence qua the fact that deceased was last seen in the company of petitioner, and other co-accused. According to learned State counsel in addition to above, the tower location of the mobile phone of the petitioner and deceased at the probable time of commission of offence matches with each other. It has been contended by learned State counsel that in the present case the death of the deceased was an unnatural death, i.e. on account of asphyxia by strangulation. The learned State counsel has further contended that in the present case out of twenty seven prosecution witnesses, twenty two witnesses have already been examined, and that the trial is likely to be concluded in near future. In view of above-mentioned grounds, it has been



argued that the petitioner is not entitled to 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 has already suffered incarceration for a period of more than three years, two months and eighteen days;
- ii) that the first bail petition filed by the petitioner was dismissed as withdrawn on 19.03.2025;
- iii) that the progress in the present trial is quite slow as despite incarceration for a period of more than three years and two months, the trial could not be concluded. Thus, apparently the right of speedy trial of petitioner is being violated in this case;
- iv) that the petitioner has clean antecedents;
- v) that there is no direct evidence with regard to involvement of petitioner in the commission of crime as the entire case is based upon circumstantial evidence;
- 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 all the material witnesses have already been examined;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful 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;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate 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) 3 SCC 22, 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".

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 to 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 abovesaid 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

25.05.2026

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No