



CRM-M-15859-2026 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****225****CRM-M-15859-2026 (O&M)****Date of decision : 12.05.2026**

Rajkumar @Happy

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Rajvinder Kaur Sohal, Advocate for the petitioner.

Mr. Vikram Singh, AAG Haryana
assisted by ASI Naresh Kumar, PS Sadar Ambala City.

Mr. Munish Behl, 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.190 dated 06.08.2024, for the commission of offence punishable under Sections 103(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023, Police Station Ambala Sadar, District Ambala.

2. The abovementioned FIR came into being at the instance of 'Harjit Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that an altercation had taken place between her husband, namely 'Dharam Pal', and accused 'Happy' (the petitioner herein) regarding some labour charges in Village Sarala, Punjab. According to complainant, in the wake of abovementioned incident, the accused, namely 'Happy', 'Harvinder Singh', 'Jaspal Singh', 'Ram Sharan',



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‘Rinku’, ‘Rajinder’, ‘Karma’, ‘Sandeep’, the wives of ‘Happy’ attacked her husband ‘Dharam Pal’ on 05.08.2024 at about 08:00 pm with deadly weapons at village chowk. As per complainant, the accused ‘Jaspal’ hit her husband on head with an axe and accused ‘Happy’ on head with a spear and thereafter, they dragged him in the street and when she intervened, two boys stopped her by putting *chunni* on her neck.

3. It was also stated by the complainant that the accused ‘Harvinder’, ‘Sandeep’, ‘Karma’, ‘Rajinder’, ‘Rinku’ and ‘Ram Saran’, who were armed with iron rods and the wives of ‘Happy’ and ‘Jaspal’ respectively, who were armed with *dandas*, had attacked and inflicted injuries on the person of her husband. As per the complainant on hearing the commotion, when her brother-in-law ‘Raj Pal’ reached the spot, all the assailants fled from the spot along with their respective weapons. According to complainant, thereafter, her husband was shifted to Civil Hospital, Ambala City, where he was declared brought dead.

4. It is the case of prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that in the present case, the petitioner has already suffered incarceration for a period of more than one year and eight months, and that the role attributed to the petitioner is that he was carrying a spear at the time of commission of

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offence. According to learned counsel for the petitioner, the medico-legal report does not correspond with any injury, which could have been caused by a sharp-pointed weapon, and that otherwise also, there is delay in trial, 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 the name of the petitioner is specifically mentioned in the FIR, and a particular weapon has been assigned to him.

9. In addition to above, it has been specifically mentioned by learned counsel for the complainant that the injury on the head of deceased was caused by the petitioner. According to learned counsel for the complainant, the spear is such a weapon that it can be used as a steel rod also, and that the injury found on the head of deceased corresponds with the aforesaid weapon, if used in that manner. It has also been contended by learned counsel for the complainant that the custody period of the petitioner is not large enough to draw an inference that there is delay in trial, and therefore, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. 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 one year and eight months;



- ii) that the petitioner has clean antecedents;
- iii) that there is a reasonable doubt as to whether the weapon, which has been attributed to the petitioner, was used for causing any injury on the person of deceased or not, as the kind of weapon assigned to the petitioner does not correspond with any injury suffered by the deceased;
- iv) that the investigation in the present case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is taking place at a very slow pace, as out of fifteen prosecution witnesses, only one has been examined so far;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vii) 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
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. 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”.

13. 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”.



14. 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”.

15. 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.

16. 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.

17. 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



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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

12.05.2026*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No