



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

227

CRM-M-16122-2026 (O&M)

Date of decision : 27.04.2026

Jafruddin

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Kunal Dawar, Sr. Advocate with
Mr. Jagjot Singh, Advocate
for the petitioner.

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

Mr. Rehan Gupta, 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.44 dated 20.03.2025, for the commission of offence punishable under Sections 191(2), 191(3), 351(3) of Bharatiya Nyaya Sanhita, 2023, [Section 109(1) and 117(2) of BNS added later on and Section 333 of BNS], Police Station Nagina, District Nuh.

2. The abovementioned FIR came into being at the instance of 'Saikul' son of 'Sahabuddin', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that from his shop, some grocery items, and fodder for animals, were purchased by 'Ayub' son of 'Amin', but he did not pay the due amount, and kept on avoiding the



payment on one pretext or another. According to complainant, on 07.03.2025 when he demanded money from 'Ayub', he (Ayub) refused to pay the same and threatened the complainant to teach a lesson if he demanded, the money, again.

3. The complainant also alleged that on 08.03.2025, when he was going to home, on the way near the house of 'Ayub' son of 'Ratti', the above-named accused (Ayub son of Amin) along with 'Sadiq', 'Arif', 'Mustaq' and 'Noorddin' launched an assault upon him, with the help of wooden handles & iron rods, and they were later on joined by 'Amina', 'Tauhid', 'Qasid', 'Kamruddin' and 'Rihana'. It was further alleged by the complainant that attack on his person was caused with an intention to kill him and that he had sought help from the police by dialing 112.

4. It is the case of the prosecution that on the basis of abovementioned complaint formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. 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.

7. Heard.



8. It has been contended by learned counsel for the petitioner that it is the case of version and cross version, and that in the cross FIR which was lodged one week prior to the present FIR, Section 333 has been invoked. As per learned counsel for the petitioner, the abovementioned fact shows that the complainant party was the aggressor in the instant case. It has also been contended by learned counsel for the petitioner that the role attributed to the petitioner is that, that he was carrying a blunt weapon, i.e bamboo stick, and that he inflicted an injury on the head of Isha which was declared to be dangerous to life. According to learned counsel for the petitioner, the petitioner is already in custody for a period of more than eleven and half month and that the injured Isha has already been discharged from the hospital and the trial is not likely to be concluded in near future. According to learned counsel for the petitioner, the petitioner himself suffered seven injuries in the abovementioned incident.

9. The learned State Counsel being assisted by learned counsel for the complainant has controverted the abovementioned arguments. According to learned counsel for the complainant, although the benefit of bail has been accorded to the co-accused but the case of the petitioner does not stand on the same footing, as the role attributed to the co-accused was minor in nature whereas the role, in the commission of crime, attributed to the petitioner, is a prime role. According to learned counsel for the complainant the injury which was declared to be dangerous to life has been attributed to the petitioner and that in the present case, the injury suffered by the petitioner are minor in nature, whereas the injury suffered by the victim in this case

was dangerous to life. It has been further contended by learned counsel for the complainant that in view of gravity of offence 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 already in custody for a period of eleven months and sixteen days;
- (ii) that it is the case of version and cross version, and the FIR at the instance of petitioner's party was lodged one week prior to the present FIR;
- (iii) that the injured has already been discharged from the hospital;
- (iv) that the weapon of offence has already been recovered;
- (v) that the trial is not likely to be concluded in near future, as it is yet to commence and charge is yet to be framed;
- (vi) that the detention of petitioner in judicial lock up 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 co-operate/participate in trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court 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”.

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 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

27.04.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No