



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M No.18171 of 2025 (O&M)

Date of Decision: 20.02.2026

Narender

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. HPS Ishar, Advocate for the petitioner.

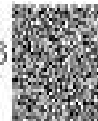
Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Sunil Chaudhary, Advocate for the complainant.
(through hybrid mode).

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is third petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.325 dated 07.12.2021, under Sections 302, 328, 420, 201, 120-B and 34 of Indian Penal Code, hereinafter being referred to as 'IPC', Police Station Dujana District Jhajjar.

2. Briefly stating the facts emerging from record are that the FIR of this came into being at the instance of 'Dharamvir' son of 'Ishwar', hereinafter being referred to as 'complainant', only. It was stated by the above named complainant that his son 'Sanjeev' along with 'Narender' and 'Anil' had committed murder of 'Ishwar Singh', father of complainant, 'Sushila' wife of complainant and 'Sachin' son of complainant. In brief facts pertaining to the



FIR are that on 29.04.2021 a transfer deed was executed by 'Ishwar Singh' in favour of his grand-son namely 'Sanjeev'. After the execution of above mentioned release deed the grandson of 'Ishwar' namely 'Sanjeev' executed the sale deed of the same land in favour of co-accused 'Anil' on 08.09.2021. Thereafter, on 12.09.2021 'Ishwar Singh' the father of complainant and grand-father of accused 'Sanjeev' passed away. However, treating his death to be a natural death, he was cremated in usual course. Thereafter on 01.10.2021 the wife and son of complainant namely 'Sushila' and 'Sachin' committed suicide by hanging. No complaint was filed but the *post mortem* examination of their body had been taken place. On 07.12.2021 the FIR was lodged and on 04.01.2022 the confessional/ disclosure statement was allegedly made by the accused 'Sanjeev Kumar' before 'Sanjay'.

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

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

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has already suffered a prolonged incarceration for being in custody for a period of more than 3 years 9 ½ months. According to learned counsel for the petitioner there is no legally admissible evidence against the petitioner, and that the trial is not likely to be concluded in near future.

7. It has also been contended by learned counsel for the petitioner that



the second bail petition filed by the petitioner was dismissed on 29.03.2024 and from the date of dismissal of above-said petition there is no significant progress in trial. It has also been contended by learned counsel for the petitioner that the second bail petition was not decided on merits, and that due to delay in trial the valuable right of the speedy trial of petitioner vis-a-vis right of life and personal liberty are being infringed. It has also been claimed by learned counsel for the petitioner that the petitioner is not beneficiary of any kind of transaction and except the extra judicial confession there is no legally admissible evidence to implicate the petitioner in the commission of crime.

8. The learned State counsel being assisted by learned counsel for the complainant has controverted the above mentioned arguments. It has been contended by learned counsel for the complainant that in the present case irrespective of the fact that there is no eye-witness account, there are plenty of circumstances which leads to an irresistible conclusion that petitioner and his co-accused were responsible for the commission of crime. According to learned counsel for the complainant in the present case the first circumstance is that just before death of Ishwar Singh his agriculture land was got transferred by the accused 'Sanjeev' in his name and when this fact came into the knowledge of deceased and he insisted for return of his property he was killed and accused 'Sanjeev' being his grand-son took advantage of the situation and projected the death of his grand-father as natural death.

9. It has been further contented by learned counsel for the complainant that second circumstance showing the involvement of petitioner and his co-accused in the commission of crime is that the property so received by 'Sanjeev' from his grand-father was sold to the brother of petitioner and *thirdly* there was



no reason for the mother and brother of prime accused 'Sanjeev' to commit suicide and *fourthly* on the day when 'Sushila' and 'Sachin' committed suicide the mobile phone of all the three accused were showing the last location at Rohtak and those mobile phones were switched off.

10. While claiming that the above mentioned circumstances are sufficient and good enough to prove guilt of the petitioner and his co-accused, the learned counsel for the complainant has urged for dismissal of present petition.

11. The record has been perused carefully.

12. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose a decision in the present petition:-

- i) that there is no eye-witness account in the present case;
- ii) that the petitioner is in custody for a period of more than 03 years and 09 months;
- iii) that there is no evidence to show that petitioner was present in the same locality where the death of Ishwar on 12.09.2021 and death of Sushila and Sachin on 01.10.2021 had taken place;
- iv) that there is nothing on record to show that the property which was acquired by co-accused Sanjeev from his grand-father was ever transferred to the petitioner or that petitioner was beneficiary of the above mentioned transfer of the property;
- v) that as conceded by learned State counsel there is no viscera report supporting the case of the prosecution qua the fact that



any poisonous substance was administered to the deceased Sushila and Sachin;

- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future as out of 46 witnesses only 23 have been examined so far (16 witnesses have given up);
- viii) that the petitioner has no criminal antecedents;
- ix) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- x) 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.

13. 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) 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”.

14. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (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”.



15. 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”.

16. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

17. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

18. 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 benefit 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 from disclosing 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 trial Court.

(SURYA PARTAP SINGH)
JUDGE

20.02.2026
Manoj Bhutani

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