

**CRM-M-18492-2026 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****218****CRM-M-18492-2026 (O&M)
Date of decision : 24.04.2026**

Jaivir

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Dr. Pankaj Nanhera, Sr. Advocate with
Mr. Anurag Mor, Advocate and
Mr. Navneet Sharma, Advocate for the petitioner.

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

Ms. Rosi, Advocate for the complainant.

SURYA PARTAP SINGH, J.**CRM-17381-2026 & CRM-17931-2026**

Both these applications seeking for placing on record certain documents stand allowed for the reasons mentioned in the application and the documents annexed with the applications are ordered to be taken on record.

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2. 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.22 dated 25.01.2025,

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for the commission of offence punishable under Sections 191(2), 191(3), 115, 351(3), 126, 103(2), 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023, Police Station Mundkati, District Palwal.

3. The abovementioned FIR came into being at the instance of 'Ravi' son of Prem Chand, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 24.01.2025, an incident had taken place in village Aurangabad, wherein it was found that two cows and a calf were being transported in mini truck, and with regard to abovementioned transportation, the FIR No. 21 dated 25.01.2025 was lodged for the commission of offence punishable under Section(s) 5, 13(2) and 17 of the 'Haryana Gauvansh Sanrakshan and Gausamvardhan Act', 2015 and Section 11 of the 'Prevention of Cruelty to Animals Act,' 1960, in Police Station Mundkati against 'Ravi', the driver of mini truck and 'Yousuf'.

4. As per prosecution, 'Ravi' and 'Yousuf' were thrashed by the public and therefore, the statement of 'Ravi' was recorded wherein he had stated that on the instructions of 'Yousuf', when he had loaded two cows and a calf in his mini truck, and was transporting them to the village of 'Yousuf', 'Yousuf' escorted him on his motorcycle and in village Aurangabad eight/ten persons intercepted their vehicle and thrashed them brutally. According to complainant, he and 'Yousuf' had suffered injuries.

5. It is the case of the prosecution after the recording of abovementioned statement, both the injured, namely 'Ravi' and 'Yousuf' were got examined medico-legally and when 'Yousuf' passed away, because of injuries, suffered in the abovementioned incident, FIR in question was



lodged and the investigation taken up. According to prosecution, during the course of investigation, on the basis of CCTV footage of the place of occurrence, the petitioner was arrayed as an accused and was arrested on 09.03.2025.

6. 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 on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case without any evidence. According to learned Senior Counsel for the petitioner, the star witness of the prosecution, i.e. the complainant/injured 'Ravi Kumar', has already been examined by the learned trial Court as 'PW-1', and that the PW-1 has not supported the prosecution case with regard to involvement of petitioner in the commission of crime.

9. It has also been contended by learned Senior Counsel for the petitioner that in the absence of deposition of PW-1, the entire case of the prosecution is resting upon the plea that the incident was captured by a CCTV camera. As per learned Senior Counsel for the petitioner, in the abovementioned CCTV footage although the petitioner is shown to be present on the spot, but the CCTV footage nowhere shows that any role in the commission of offence, active or passive, was played by the petitioner. It has also been contended by learned Senior Counsel for the petitioner that the

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petitioner has clean antecedents, except one case under Excise Act, and that in the present case, he has already faced incarceration for a period of more than one year and one month.

10. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. According to learned counsel for the complainant, in the present case there are very specific and categorical allegations against the petitioner, with regard to involvement in the commission of crime, and that the CCTV footage pertaining to the instant case proves the presence of petitioner on the spot at the time of occurrence.

11. The learned counsel for the complainant has also contended that the statement of deceased, namely 'Rashid' has been recorded as 'PW-3', and that on the basis of video footage, the PW-3 has proved that the petitioner was involved in the commission of crime. It has also been contended by learned counsel for the complainant that otherwise also, the benefit of bail has already been denied by this Court to a similarly placed co-accused, and therefore also the petitioner is not entitled for the benefit of bail.

12. In response to abovementioned arguments, the learned counsel for the petitioner has contended that firstly at the time of dismissal of petition of co-accused, namely 'Narbir @Narveer', the complete statement of PW-3 'Rashid' was not recorded, and the video footage was not played in the Court, and secondly, the statement of PW-3 itself shows that no active role has been attributed to the petitioner.

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13. The record has been perused carefully.
14. 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 one year and one month;
 - ii) that except one case under Excise Act, there is no other case pending against the petitioner;
 - iii) that the star witnesses of the prosecution, i.e. PW-1 'Ravi Kumar', has not supported the prosecution case with regard to involvement of petitioner in the commission of crime;
 - iv) that at the time of dismissal of bail petition of the co-accused, namely 'Narbir @Narveer', the testimony of the PW-3 Rashid was not complete. In his cross-examination recorded on 10.04.2026, the PW-3 has deposed that:-

“It is correct that those who have been identified by me in the court today from among the accused persons present in the court, are only seen standing in the videos. It is also correct that the persons who were giving beatings, have not been identified by me in the court from among the accused present in the court, after seeing the video. Volunteered that those persons are not present in the court today.”
 - v) that there is nothing on record to show that any active role was played by the petitioner in the commission of crime;
 - 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 the trial is not likely to be concluded in near future;
- viii) that the detention of the petitioner in judicial lockup 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.

15. 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”.

16. 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”.

17. 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”.

18. 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.

19. 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.

20. 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

24.04.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No