



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209(1)

CRM-M-19264-2026

Date of decision: 15.05.2026

HARWINDER

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sahil Arora, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

Mr. Sapan Dhir, Advocate
for the complainant (Through V.C.).

SURYA PARTAP SINGH, J.

1. This petition for bail is the first 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.299 dated 12.09.2025 for the commission of offence punishable under Sections 115(2), 126(2), 117(2), 118(1), 109, 351(2), 191(3), 190 of Bharatiya Nyaya Sanhita, Police Station Sadar Kharar, District S.A.S. Nagar Mohali.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Maniksha Mahant', hereinafter being referred to as 'complainant' only. It was stated by the above-named



complainant that on 06.09.2025, at about 06:30 PM, when she was going home in her vehicle make Bolero, bearing Registration No.PB-65-BK-7786, driven by 'Sonu', her vehicle was intercepted by another Bolero bearing Registration No.PB-11CK-8302. According to above-named complainant, the above-mentioned vehicle was carrying 'Pooja @ Omar Sakir', 'Wajid Ali', 'Tulsi @ Nitesh Kumar', 'Sajan Marasi' & 'Kajal @ Jatti'. According to complainant 'Pooja @ Omar Sakir' armed with a *datar* alighted from the above-mentioned vehicle pulled her (complainant) out of her vehicle, launched an assault upon her with the help of above-mentioned sharp edged weapon and inflicted injuries on her person. As per complainant, the above-named assialant was followed by 'Kajal Jatti' carrying a *kirpan* (sword) in her hand and she, too, inflicted injuries on her person. The complainant further stated that thereafter, 'Tulsi @ Nitesh Kumar' tried to strangle her followed by 'Jashnoor' and 'Kajal @ Jatti', who pulled her legs apart and caused injury on her person.

3. In addition to above, the complainant also stated that when the above-mentioned incident was going on, another vehicle bearing Registration No.CH-01-AE-7474 arrived on the spot, wherein 5-6 unknown persons were travelling. As per complainant on their arrival Pooja exhorted to kill the complainant and they all joined the assailants and thrashed her with kicks and thereafter, they left her on the spot assuming that she was dead.

4. It is the case of the prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and that during the course of investigation the complainant suffered a supplementary statement, wherein she disclosed the name of petitioner as the person, who was driver of the second car.



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 five months and twenty four days, and that the petitioner has no criminal history. It has also been contended by learned counsel for the petitioner that no weapon has been assigned to the petitioner, and that the only role attributed to the petitioner is that he joined the assailants and caused injuries on her person with kicks.

7. The above-mentioned arguments have been controverted by learned State counsel being assisted by learned counsel for the complainant. It has been contended by learned counsel for the complainant that the present case is a case, wherein a large group of assailants travelling in two vehicles, launched a deadly attack upon the complainant and inflicted multiple injuries on the person of complainant. As per learned counsel for the complainant, the injury No.1 has been declared to be dangerous to life by the medical officer. It has also been contended by learned counsel for the complainant that despite dismissal of application for anticipatory bail filed by the main accused namely 'Pooja', she has not been arrested by the Police.

8. The record has been perused carefully.

9. 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 five months and twenty four days;
- ii) that the victim has already been discharged from the hospital;
- iii) that the petitioner has clean antecedents;



- iv) that as per case developed by the prosecution, the role attributed to the petitioner is that he had inflicted injury on the person of victim with kicks only. Thus, as per prosecution case, no weapon was used by the petitioner;
- v) that the case of the prosecution shows that in total there were 11 assailants but only five visible injuries were found on the person of victim by the medical officer at the time of medico-legal examination.
- vi) that since no weapon was used by the petitioner, nothing has to be recovered from the possession of petitioner. Otherwise also, the investigation in this case is already complete;
- vii) that the trial is not likely to be concluded in near future ;
- 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.

10. 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”.

11. 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”.

12. 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”.

13. 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.

14. 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.

15. 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

15.05.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No