



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.230

CRM-M-20505-2026
Decided on : 14.05.2026

Sunil Kumar @ Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Arun Kumar Singal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Sh. Sube S.Kaushik, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0211 dated 10.04.2025, registered under Sections 109(1)/115(2)/118(1)/118(2)/351(3) of BNS, 2023, at Police Station Samalkha, Panipat.
2. Brief facts as per the prosecution case are that the petitioner armed with a knife attacked the complainant and caused injuries to him with an intention to kill him due to some land dispute. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further



contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Even if the allegations are taken to be true then only one injury has been declared as grievous but not dangerous to life. Learned counsel contends that the fact that there were three persons from the complainant side and the petitioner was alone makes the prosecution version highly improbable as how a single person can attack a group of three persons. He further contends that there is no direct evidence to connect the petitioner with the said offence. No recovery is to be effected from the petitioner. The petitioner is in custody since 10.04.2025 and he has clean antecedents as he is not involved in any other case. The investigation in this case is complete; challan stands presented; charges have been framed and out of 15 prosecution witnesses, none has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report as well as custody certificate which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. Learned counsel for the complainant has appeared and filed memo of appearance which is taken on report. He, while opposing the petition for grant of regular bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.



6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year 01 month and 02 days; he has clean antecedents as he is not involved in any other case; the investigation in this case is complete; challan stands presented; charges have been framed; out of 15 prosecution witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance in this regard is placed upon a judgment of Hon’ble Supreme Court in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

14.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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

