



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

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CRM-M No.22854 of 2025 (O&M)

Date of Decision: 19.01.2026

Naveen Sharma

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. Pardeep Singh, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 148, 149, 341, 302, 1020-B of the Indian Penal Code, hereinafter being referred to as 'IPC' and Section 25 of Arms Act, the FIR No.110 dated 07.02.2023 has been lodged in Police Station Sector-58, Faridabad, District Faridabad. The petitioner is in custody, and therefore, craving for bail. This is 2nd petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Balwant', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 07.02.2023 at about 3.30 P.M his nephew 'Vipin', who was studying in 11th class in 'Rawal International School, Sector -56, Faridabad' was dropped by the school bus, and thereafter, he was going to his home on the motorcycle of 'Akash' and his sister 'Neha'. As per complainant on they way 7-8 boys riding on two motorcycles and one scooty blocked their



way and then launched an attack upon 'Vipin' with knife and inflicted injuries on his person. According to complainant, he was working in the neighbouring fields and he along with other neighbours rushed to the spot, but the assailants saw them and fled from the spot. The petitioner further stated that the injured was shifted to hospital but the injuries suffered by him proved to be fatal.

3. It is the case of the prosecution that on the basis of abovementioned information, formal FIR was lodged and the investigation taken up. According to prosecution, during the course of investigation the petitioner was arrested and since then he is in custody.

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 petitioner that this is the second bail petition moved by the petitioner. According to learned counsel for the petitioner from the date of dismissal of former bail petition the material change in circumstance is the receipt of report of 'DITAC Lab', which shows that the petitioner was not present on the spot at the time of occurrence. According to learned counsel for the petitioner, otherwise also the petitioner is in custody for a period of more than 2 years and 11 months, and that trial is progressing at a very slow pace, and unlikely to be concluded in near future. The learned counsel for the petitioner has contended that in view of changed circumstance the petitioner is entitled for the benefit of bail.

7. Per contra, the learned State Counsel has controverted the above mentioned arguments. Although, the learned State counsel has conceded that



that report received from the DITAC Lab shows that the petitioner was not present at the spot when the incident had taken place, yet in view of gravity of offence and other evidence available against the petitioner, it has been contended by learned State counsel that the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than 2 years and 11 months;
- ii) that the petitioner has no criminal antecedents;
- iii) that as per reply submitted by the State the mobile number of the petitioner was not active in the area where the incident had taken place,
- iv) that the trial is not likely to be concluded in near future;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that 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 participate/cooperate in the trial.

10. 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".

11. 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”.

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. Therefore, 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.

14. 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.

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 his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the 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

19.01.2026
Manoj Bhutani

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