



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

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**CRM-M-26644-2026 (O&M)
Decided on : 29.05.2026**

Kartikey

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Nitin Bhanwala, Advocate for the petitioner.

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

Mr. Saurabh Bajaj, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral)

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.298 dated 17.11.2025, for the commission of offence punishable under Sections 109(1), 126, 281, 249(B), 351(3) of Bharatiya Nyaya Sanhita, 2023, Police Station Civil Lines, District Jind.

2. The abovementioned FIR came into being on the complaint of 'Parvesh Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was a student of 'Chaudhary Ranbir Singh University, Jind', and that on 17.11.2025, he was present in the campus of abovementioned University. According to complainant, at about 04:45 pm, when he came out of the parking lot of the University, a vehicle make Scorpio bearing registration No.HR31-V-0356 blocked the way of his



bullet motorcycle, and the driver of the abovementioned vehicle got down from the vehicle, caught hold of him with neck and while hurling abuses, started beating him. As per complainant, the abovesaid assailants also took out of key of his bike, and that in the meantime, a girl, namely 'Rudrakshi' came there, who was slapped by the assailants. The complainant further stated that when he begged for the return of his key, the assailant returned his key, but threatened to kill him in future.

3. It was also alleged by the complainant that he along with his friend 'Aman' left the spot. As per complainant, after the incident when he left for his home on his motorcycle with 'Tanishq @Monty', a student of University residing in the hostel, at about 05:05 pm, near Gohana road Check-Post, the abovementioned vehicle overtook them and the moment they came down from the flyover the same vehicle came from opposite side and with an intention to kill them dashed his vehicle into their motorcycle at a fast speed. According to complainant, due to abovesaid collision they fell down on the road, and suffered multiple injuries. It was also alleged by the complainant that the name of the driver of abovementioned vehicle was 'Kartikey' (the petitioner herein), and that the abovementioned collision was due to deliberate act of the above-named assailant, who wanted to kill them.

4. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is well-educated youth, pursuing his education in Canada, as



trainee pilot, and that the girl, referred in the FIR, namely 'Rudrakshi', is the sister of the petitioner. According to learned counsel for the petitioner, the petitioner has clean antecedents, but in the present case with an intention to destroy his career and the reputation of his family, the sister and father of the petitioner, who had no role to play in the commission of offence, have been falsely implicated.

7. It has also been contended by learned counsel for the petitioner that in the present case, the petitioner has already suffered incarceration for a period of almost four-and-a-half months, and that investigation in this case is already complete and the injured has been discharged from the hospital. According to learned counsel for the petitioner, there is no chance that if released on bail, the petitioner would indulge in similar kind of activity and that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled to the benefit of bail.

8. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that the contents of FIR itself make it abundantly clear that the injuries caused by the petitioner, were outcome of a deliberate act of the petitioner, committed with the intention to kill the complainant. According to learned counsel for the complainant, the injuries caused by the petitioner were so serious that a young boy like complainant is still recovering from the abovementioned injuries, and that the photographs of the injuries placed on record along with reply, makes it abundantly clear that very serious nature of injuries were



inflicted by the petitioner on the person of complainant, which included multiple fractures. It has also been contended by learned counsel for the complainant that the gruesome act committed by the petitioner and the gravity of offence renders him ineligible for the benefit of bail.

9. The record has been perused carefully.

10. 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 four months and thirteen days;
- ii. that the petitioner has clean antecedents;
- iii. that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- iv. that the injured has already been discharged from the hospital;
- v. that there is nothing on record to show that if released on bail, the petitioner is likely to indulge in similar kind of activity;
- vi. that the trial is not likely to be concluded in near future;
- vii. that detention of the petitioner in judicial lockup is not likely to serve any purpose
- viii. 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
- ix. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.



11. 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 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".

12. 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”.

13. 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”.

14. 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.

15. 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 to the benefit of bail, and that the present petition deserves to be allowed.

16. 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/Duty Magistrate concerned. 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

29.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No