



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

246

CRM-M-27036-2026 (O&M)
Date of decision : 18.05.2026

Sahil Kumar @Sahil

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Siddharth Sihag, Advocate for the petitioner.

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

Mr. Pradeep Duhan, Advocate for the complainant.

SURYA PARTAP SINGH, J.

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.808 dated 22.07.2023, for the commission of offence punishable under Sections 148, 149, 323, 341, 365, 307, 506, 302 and 201 of Indian Penal Code, Police Station Sadar Hisar.

2. The abovementioned FIR came into being at the instance of 'Sumit @Badal', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 21.07.2023, at about 11:00-11:30 pm, he along with Sunil was sitting on the side of village pond. According to complainant, there Ajit @Jeetu, Subhash, Sharwan @Kajal, Sagar @Sahil,



Sanjay, Vikram, Dilbag @Biru, Virender and 7-8 other persons arrived in one auto-rickshaw, and one motorcycle. As per complainant, all the above-named assailants were armed with various weapons, including gandasi (poleaxe), Darat (sickle), and wooden batten.

3. The complainant further alleged that immediately on the arrival, the abovementioned assailants launched an assault upon the complainant and Sunil, and inflicted various injuries on their persons with the help of their respective weapons. According to complainant, in the abovementioned incident, both of them suffered injuries, but the injuries suffered by Sunil proved to be fatal.

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

5. **Notice of motion.**

6. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. 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. Memorandum of Appearance on behalf of the complainant has been filed. The same be taken on record.

8. Heard.



9. It has been contented on behalf of the petitioner that the petitioner, who has clean antecedents, is already in custody for a period of more than two years and nine months, and that the trial is taking place at a very slow pace. It has also been contented by learned counsel for the petitioner that the weapon of offence attributed to the petitioner is a wooden batten, and that there is no specific injury attributed to the petitioner. It has also been contented by learned counsel for the petitioner that any blow, which proved to be fatal, has not been specifically attributed to the petitioner, and that the sharp-edged weapon was used by the co-accused, only.

10. The learned State Counsel has controverted the abovementioned arguments.

11. The record has been perused carefully.

12. 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 two years and nine months;
- ii) that as per custody certificate, the petitioner has clean antecedents;
- iii) that the co-accused of the petitioner has already been accorded the benefit of bail by this Court;
- iv) that as per contents of FIR, the petitioner was not carrying any deadly weapon at the time of commission of offence and there



is no specific allegation against the petitioner, to the effect that the fatal blow was inflicted by him;

- v) that nothing has been left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that the 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.

13. 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”.

14. 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”.

15. 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”.

16. 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.

17. 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.

18. 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

18.05.2026
Gaurav Thakur

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