



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

237

CRM-M-27600-2026 (O&M)

Date of decision : 02.07.2026

Hemant @Happy

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Bhupender Ghanghs, Advocate for the petitioner.

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

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.144 dated 22.05.2025, for the commission of offence punishable under Sections 111(2)(b), 111(3), 111(4), 111(6), 238(b) read with Section 61(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)(a), 25(6), 25(7) of Arms Act, Police Station Sadar Bahadurgarh, District Jhajjar.

2. The abovementioned FIR came into being at the instance of 'ASI Dharamvir', who reported that on 22.05.2025 when he was leading a team of police officials deputed for patrolling duty at Pakora Chowk, Bahadurgarh-Byepass, a reliable source gave him a tip-off that the known gangsters of the area, namely 'Rohit Godara' and 'Virender Charan', who are settled in other country, were involving numerous youths of Haryana



State in their gang, and that money was being sent to them. According to abovesaid report, it was also informed that the abovesaid youths were being used by the above-named two gangsters as field workers of their gang and they were executing threats for extortion of money and commit crimes. As per above mentioned report, the informer also told that ‘Vijay’ and ‘Ram Dutt’, who were members of the abovementioned gang, were present near the Canal Chowk on Nayagon to Sidhipur road and they were armed with weapons.

3. It is the case of prosecution that pursuant to abovementioned information, the police party went to the said place and found two persons standing there who, on inquiry, identified themselves as ‘Vijay’ and ‘Ram Dutt’. It is the case of prosecution that when search of the above said persons was carried out, from the possession of each of them one country made pistol and two rounds of cartridges were recovered.

4. It is the case of prosecution that in view of abovementioned recovery, formal FIR of this case was lodged and during the course of investigation, it has been found that the petitioner deposited an amount of Rs.20 lacs in certain bank accounts through CDM machine along with co-accused ‘Ashish’.

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 status report as well as custody certificate of the petitioner. The same be taken on record.

7. Heard.



8. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, nothing has been recovered from the possession of petitioner, and that he is already in custody for a period of more than seven months. The learned counsel for the petitioner has further contended that nothing has been left to be recovered from the possession of petitioner, and that the detention of petitioner in judicial lock-up will not serve any fruitful result. As per learned counsel for the petitioner, the benefit of bail has already been accorded to co-accused, namely 'Vikram' and 'Jhanvi Shekhawat @Janvi', by this Court.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the petitioner is active member of a gang involved in various types of illegal activities, and that at the instance of gangsters, namely 'Rohit Godara' and 'Virender Charan', he deposited extorted money of Rs.20 lacs in the gang accounts through CDM machine along with accused Ashish.

10. The record has been perused carefully.

11. A careful perusal of record shows that in the present case, the only evidence against the petitioner is that he along with co-accused Ashish has deposited extorted money of Rs.20 lacs in the gang accounts through CDM machine and he was being seen in the CCTV footage of ATM machine of SBI Bank, Ghanta Ghar, Bhiwani.



12. Taking into consideration the abovementioned facts and circumstances of 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 seven months;
- ii) that the benefit of bail has already been accorded to co-accused, namely 'Vikram', 'Ankur' and 'Jhanvi Shekhawat @Janvi';
- 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 trial is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) 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
- vii) 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 to 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.

19. It is, however, clarified that in future, if the petitioner is found involved in other criminal activities subsequent to the present case, the State shall be at liberty to approach the Court for withdrawal of abovementioned benefit.

(SURYA PARTAP SINGH)
JUDGE

02.07.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No