



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

257

CRM-M No.29218 of 2026 (O&M)

Date of Decision: 26.05.2026

Narbir @ Narveer

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Dr. Pankaj Nanhera, Sr, Advocate with
Mr. Anurag Mor, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is second petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No. 22 dated 25.01.2025 for the commission of offence punishable under Section(s) 191(2), 191(3), 115, 351(3), 126, 103(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita 2023, lodged in Police Station Mundkati, District Palwal, Haryana.

2. Initially one FIR came into being on the basis of secret information. It was with regard to an incident dated 24.01.2025, taken place in village Aurangabad, wherein it was found that two cows and a calf were being transported in mini truck, and with regard to abovementioned transportation, the FIR No. 21 dated 25.01.2025 was lodged for the commission of offence punishable under Section(s) 5, 13(2) and 17 of the 'Haryana Gausvansh Sanrakshan and Gausamvardhan Act', 2015 and Section 11 of the 'Prevention



of Cruelty to Animals Act,' 1960, in Police Station Mundkati against 'Ravi', the driver of mini truck and 'Yousuf'.

3. As per prosecution, 'Ravi' and 'Yousuf' were thrashed by the public, and therefore, the statement of 'Ravi' was recorded, wherein he had stated that on the instructions of 'Yousuf', when he had loaded two cows and a calf in his mini truck, and was transporting them to the village of 'Yousuf', 'Yousuf' escorted him on his motorcycle and in village Aurangabad eight/ten persons intercepted their vehicle and thrashed them brutally. According to complainant, he and 'Yousuf' had suffered injuries.

4. It is the case of the prosecution after the recording of abovementioned statement, both the injured, namely 'Ravi' and 'Yousuf' were got examined medico-legally and when 'Yousuf' passed away, because of injuries, suffered in the abovementioned incident, FIR in question i.e. FIR No.22 dated 25.01.2025 was lodged and the investigation taken up.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. Vikram Singh, AAG, Haryana, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He 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. Heard.

8. It has been contended by learned Senior counsel for the petitioner that this is second petition for bail, and that, first petition filed by the petitioner



was dismissed on 20.02.2026. According to learned Senior counsel for the petitioner after dismissal of first petition for bail filed by the petitioner the co-accused namely 'Javir' has been granted bail by this Court, vide order dated 24.04.2026, and that on 12.04.2026 the statement of complainant has been recorded as PW-3, who has not supported the prosecution case with regard to involvement of petitioner as an assailant.

9. Per contra, the learned State counsel has controverted the above-mentioned arguments on the ground that from the date of dismissal of former bail petition no significant change in circumstance has been taken place.

10. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of one year, two months and twenty six days;
- ii) that the benefit of bail has already been accorded to the similarly placed co-accused;
- iii) that the petitioner has clean antecedents;
- iv) that the star witnesses of the prosecution, i.e. PW-1 'Ravi Kumar', has not supported the prosecution case with regard to involvement of petitioner in the commission of crime;
- v) that at the time of dismissal of bail petition of the co-accused, namely 'Narbir @Narveer', the testimony of the PW-3 Rashid was not complete. In his cross-examination recorded on



10.04.2026, the PW-3 has deposed that:-

“It is correct that those who have been identified by me in the court today from among the accused persons present in the court, are only seen standing in the videos. It is also correct that the persons who were giving beatings, have not been identified by me in the court from among the accused present in the court, after seeing the video. Volunteered that those persons are not present in the court today.”

- vi) that there is nothing on record to show that any active role was played by the petitioner in the commission of crime;
- vii) that investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- viii) that the trial is not likely to be concluded in near future as out of forty one prosecution witnesses only, two have been examined, so far;
- ix) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and



- xi) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

12. 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) 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".



13. 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".

14. 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".

15. 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.

16. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled to the concession of bail, and that the present petition deserves to be allowed.

17. 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 abovesaid benefit 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 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.



18. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

26.05.2026
Manoj Bhutani

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