



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31585 of 2025 (O&M)

Reserved on : 23.01.2026

Pronounced on: 28.01.2026

Udhay Bhan

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

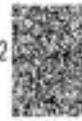
Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 126(2), 115(2), 191(2), 191(3), 190, 109, 103(1), 238(a) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' only, the FIR No.396 dated 19.08.2024 has been lodged in Police Station Model Town, District Rewari. The petitioner is in custody, and therefore, craving for bail. This is Ist petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2. The facts emerging from record are that the FIR of this case came into being at the instance of 'Mahesh Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 18.08.2024 at about 7.00 P.M. on his mobile phone he received a message that a quarrel had taken place with his nephew namely 'Aryan' son of 'Mukhtiar Singh', the deceased, and that in the above mentioned fighting 'Aryan' had



suffered head injury. According to complainant, he was also told that 'Aryan' was admitted in Pushpanjali Hospital, and therefore, he went there where friend of 'Aryan' and other relatives were present. According to complainant, 'Aryan' was admitted in critical condition in ICU and when he inquired about the details of incident from the friend of 'Aryan', he came to know that a group comprising of 20-30 boys, carrying various types of weapons such as steel rods and sharp edged articles had attacked 'Aryan', who along with his friends namely 'Samir', 'Haresh', 'Deepesh', 'Krish' and 'Lakshay' was going on two motorcycle. The complainant further stated that the above mentioned group intercepted the motorcycle of 'Aryan' and launched an attack with the help of their respective weapons and in the above mentioned incident 'Aryan', 'Samir' and 'Haresh' had suffered injuries.

3. It is the case of the persecution that in view of above mentioned compliant formal FIR of this case was lodged and investigation taken up, and that during the course of investigation on the basis of reliable evidence collected by the Investigating Officer, the petitioner and other accused were arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner are innocent having no nexus, whatsoever, with the commission of crime, and that the presence of petitioner on the spot at the time of occurrence is doubtful in view of the fact that the disclosure statement of co-accused 'Dhruv Kumar' no where discloses the name of the petitioner, as a member of the group which was allegedly involved in the commission of offence.



6. In addition to above, the learned counsel for the petitioner has also contended that the petitioner is a young boy barely of 20-23 years of age and he has no criminal antecedents. It has also been contended by learned counsel for the petitioner that petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 1 year and 4 months and that trial is not likely to be concluded in near future.

7. Per contra, the learned State counsel has contended that the instant case is a case wherein a large group of assailants launched an attack upon the deceased, and other victims, inflicted injuries on their person. According to learned State counsel the above mentioned incident had taken place after a conspiracy to commit the offence was hatched and the plan was executed with a common intention, after making due preparation. As per learned State counsel, in the present case, the statements of material witnesses are yet to be recorded and if the petitioner is afforded the benefit of bail he may influence the witnesses.

8. The record has been perused carefully.

9. As far as the instant case is concerned the role attributed to the petitioner finds mentioned in para No.15 of reply submitted by the State dated 21.01.2026. The above mentioned paragraph reads as under:-

“That the allegations against the petitioner are serious and specific. The complicity of the petitioner had been spelt out by every arrested accused. He had actively participated in the commission of the crime. He was the member of the unlawful assembly, which had been involved in the act of assault



on the deceased and the injured victim. He had inflicted leg and fist blows upon the injured and the deceased. The motorcycle used by him had been recovered during the course investigation. The allegations are serious and specific. The prosecution evidence is yet to be recorded. In the event of grant of bail to the petitioner, he may very well dissuade the witnesses from disclosing the truth and may flee from justice as well.”

10. A perusal of the record and abovesaid reply 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 1 year 04 months and 8 days;
- ii) that allegations against the petitioner are that he was a part of a large group which was responsible for launching an attack upon the deceased and other injured, but there is no specific attribution of any specific injury to the petitioner;
- iii) that no weapon of offence is attributed to the petitioner;
- iv) that as per above mentioned reply the petitioner with the help of kicks and punches inflicted injuries on the person of deceased and other victims;
- v) that the fatal blow suffered by the deceased is not attributed to the petitioner;



- vi) that the investigation in this case is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
- vii) that the petitioner has no criminal antecedents;
- viii) that the trial is not likely to be concluded in near future;
- ix) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- x) 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
- xi) 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 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”.

12. 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”.

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. 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.

15. 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.

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

28.01.2026

Manoj Bhutani

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