



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

134

CRM-M-44269-2025 (O&M)
Date of decision : 19.02.2026

Abhishek

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sunil Goswami, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J.

This first petition for bail, has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, with regard to a case arising out of FIR No.192 dated 12.07.2024 for the commission of offence punishable under Sections 115, 126, 190, 191(2), 351(2), and 109(1) of Bharatiya Nyaya Sanhita, 2023, Police Station Uchana, District Jind.

2. The abovementioned FIR came into being on the statement of 'Vicky', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 01.07.2024 at about 10:00 A.M., a quarrel had taken place between his wife and the wife of Ashok, but he intervened and pacified them. According to complainant, in the backdrop of abovementioned incident, when he was riding on a motorcycle and passing through the street in front of house of Ashok, the accused Ashok, his wife Monika, Abhishek and Sheeshan forced him to stop his motorcycle and



picked up a quarrel with him. As per complainant, when he screamed for help, his elder brother Sandeep came at the spot, and when he tried to rescue him, Abhishek picked-up a brass hookah and hit the same on the head of Sandeep and thereafter, Sheeshan attacked him with the help of stick and thereafter, inflicted multiple injuries on his person. It was further stated by the complainant that when they were under attack, Amit came at the spot and rescued him from the clutches of assailants and got him admitted in the hospital.

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

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, AAG Haryana accepts notice on behalf of respondent-State. Hence service of notice 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.

6. Heard.

7. The record has been perused carefully.

8. 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 approximately one year and six months;
- ii) that the injured has already been discharged from the hospital way back on 15.07.2024;
- iii) that there is only one injury, which was serious in nature and the abovesaid injury, too, was not caused by any weapon. Rather the hookah (shisha) was hit, which causes a shadow on the claim of prosecution regarding intention to kill as alleged by the complainant;
- iv) the petitioner has no criminal antecedents;
- v) that the trial is not likely to be concluded in near future;
- vi) that nothing is left to be recovered from the possession of petitioner;
- 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.

9. 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(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”.

10. 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”.

11. 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”.

12. 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.

13. 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.

14. 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

19.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No