

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-46066 of 2025

Date of Decision: 11.02.2026

Ajay alias Dhola
... Petitioner(s)
Versus
State of Haryana
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. D.S.Virk, Advocate
for the petitioner(s).

Mr. Vikram Singh, Assistant Advocate General,
Haryana, for the respondent.

Mr. Pardeep, Advocate, for the complainant.;

Surya Partap Singh, J.

1. This petition under Section(s) 483 Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only, has been moved for grant of bail with regard to a case arising out of FIR No. 282 dated 11.09.2024 under Sections 308(2), 329(4), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, [Sections 61(2), 111(2-ii) and 113(3) added later on], Police Station Sadar Narwana, District Jind, Haryana.
2. The FIR of this case came into being at the instance of “Baljeet Singh” hereinafter being referred to as “complainant” only. It was stated by the above named complainant that he was running a liquor shop at village Dhakal and that on 10.09.2024 at about 06.34 P.M. he received a call from mobile phone No. 9779066302 and the caller identified himself as ‘Gurmeet

to pay ₹50,000/- per month or join him as a partner in liquor shop. It was also stated by the complainant that the caller had disclosed that he belonged to 'Boxer Gang' and if his demand was not met he would not allow the complainant to run liquor vend in village Dhakal. In addition to above, the complainant also stated that on 11.09.2024 at about 12.15 P.M. 'Gurmeet Dhakal' and some other persons came to his liquor vend on blue colour Delux motorcycle. As per complainant at that point of time, Salesman 'Gaurav' was working in the liquor vend. According to complainant he was threatened by the above said persons who forced him to leave liquor vend and locked the liquor shop and took away the keys with them.

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

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner the name of petitioner does not figure in the FIR, and that the petitioner has already suffered incarceration for a period of more than one year & one month. As per learned counsel for the petitioner the trial is taking place at snail's pace as majority of witnesses are yet to be examined. The learned counsel for the petitioner has further contended that in the present case, two of the most important witnesses, i.e. complainant "Baljeet Singh" and eye witness of occurrence, namely 'Gaurav', have already been examined as PW.1 and PW.2, respectively and that they have not supported the prosecution case in any manner,

whatsoever.

6. Per contra, the learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the petitioner is is a habitual offender, and a member of gang involved in the activities of extortion. As per learned State counsel although the trial has not been concluded, yet it is progressing at a reasonably fast pace. While referring to the contents of FIR wherein Section 111(2-ii) and 111(3) of BNS have been invoked, the learned State counsel has alleged that the petitioner is not entitled for the benefit of bail.

7. The record has been perusal carefully.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the petitioner is already in custody for a period of more than one year & one month;
- ii) that the entire prosecution case is resting upon a plea that the complainant had received a call from a particular mobile number and the salesman of the liquor vend was the eye-witness of the occurrence, when he was forced to leave the liquor vend. The above-mentioned fact shows that without the support of above mentioned two witnesses there is almost negligible chance for the success of present case;
- iii) that both the above named witnesses have been examined during the course of trial, i.e. complainant “Baljeet

Singh” as PW.1 and Salesman ‘Gaurav’ as PW.2, respectively. The certified copy of the statements of above-mentioned witnesses, i.e. PW.1 and PW.2, show that both of them have not supported the prosecution case. The PW.1 has not deposed the number of mobile phone from where he received the call and the PW.2 has deposed that the persons shown to him during the course of his deposition were not the assailants. Thus, the failure of above-mentioned two witnesses in supporting the prosecution is fatal for the prosecution case;

- iv) that the name of petitioner does not figure in the FIR;
- v) that no injury, whatsoever, was caused by the petitioner;
- vi) that no weapon of offence has been attributed to the petitioner;
- vi) that the investigation is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- vii) that trial of the case is not likely to be concluded in near future;
- viii) that further detention of the petitioner is not likely to produce a fruitful result;
- ix) 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

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

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of *Dataram v. State of Uttar Pradesh and Another* (2018) 3 Supreme Court Cases 22, has 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 v. Central Bureau of Investigation* (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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 v. 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 above mentioned 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 above mentioned 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 above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

15. It is, however, made clear that any observation made here-in-above 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

February 11, 2026
“DK”

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