



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.48575 of 2025 (O&M)

Date of Decision: 17.02.2026

Shivam

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rishabh Chaudhary, Advocate and
Mr. Balraj Sharma, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.89 dated 14.03.2025, under Sections 308(4), 111(1)(ii), 111(2)(b), 111(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS', Police Station Sadar Jind, District Jind.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sukhbir Dass Mahant'. It was stated by the above named complainant that he was looking after the management of Nirankar Jyoti Mandir, Village Kharak Ramji and that about one month ago 'Sachin @ Sanchit' resident of Bitana had visited him. According to complainant 'Sachin' had demanded money from him but he refused and therefore, on 13.3.2025 at about 2.46 P.M. he received a call on his



mobile phone number 98136-47511 from mobile No.89503-64406 and the caller told him that he was 'Sachin Bitana'. According to complainant, 'Sachin Bitana' in a threatening tone asked him to pay money and also said that his uncle namely 'Kala' should not be troubled. It was further stated by the complainant that one week time afforded given to him by the caller 'Sachin' for the above said payment.

3. The above named complainant also stated that on the same day at about 4.44 P.M. he received a whatsapp call from mobile No.52-5593350804 and the caller again identified himself as 'Sachin Bitana' and demanded a ransom of Rs.20,00,000/- within a week.

4. It is the case of prosecution that in view of above mentioned statement formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation prime accused 'Sachin Bitana' was arrested, and thereafter, he was interrogated. According to prosecution on interrogation the above named accused suffered a disclosure statement with regard to involvement of petitioner and other co-accused in the commission of crime. According to prosecution in view of above mentioned disclosure statement on 30.04.2025 the petitioner who was confined in jail with regard to some other case, was joined in the investigation and he, too, had suffered a disclosure statement.

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is alien to the commission of instant crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner



there is no allegations against the petitioner that he had ever contacted the victim for payment of ransom or that any money was ever received by the petitioner. The learned counsel for the petitioner has also contended that the only evidence collected by the Investigating Agency is the disclosure statement of co-accused as well as of the petitioner, and that pursuant to above mentioned disclosure statement nothing has been recovered, and therefore, the same are inadmissible in evidence. It has also been contended by learned counsel for the petitioner that in the present case Section 111 BNS has been invoked by the prosecution, but there is no evidence to show that the petitioner is member of any group involved in organized crime.

7. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel in the present case the complainant has come forward with specific allegations that there was a demand for ransom by 'Sachin Bitana', and that 'Sachin Bitana' on interrogation had suffered a disclosure statement, wherein he disclosed the role played by the petitioner in the commission of crime. According to learned State counsel, the petitioner and the prime accused 'Sachin Bitana' have formed a group involved in the activities of demanding ransom. As per learned State counsel, if released on bail the petitioner is likely to misuse the above mentioned concession.

8. With regard to the facts of the instant case the observation in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(3) SCC Online SC 757, are relevant, wherein it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.



9. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

10. In 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1 also, it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

11. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than 9 months;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that name of the petitioner has cropped up for the first time, with regard to instant case, in the disclosure statement suffered by his co-accused;
- iv) that the only evidence initially collected by the Investigating Agency qua the petitioner is the disclosure statement of his co-accused which was made by the co-accused of the petitioner when he was already in police custody. Thus, there is a



question mark with regard to admissibility of above mentioned disclosure statement in evidence;

- v) that the trial is not likely to be concluded in near future;
- vi) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

13. 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”.

14. 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”.

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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

17. 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.

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 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.

(SURYA PARTAP SINGH)
JUDGE

17.02.2026
Manoj Bhutani

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