



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

09

CRM-M-50137-2025

Reserved on :06.02.2026

Pronounced on: 13.02.2026

SANDEEP

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. H.S. Bath, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Mr. Deepak Aggarwal, Advocate for
Mr. Munish Behl, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This is second petition for bail filed by the petitioner with regard to FIR No.190 dated 06.08.2024 under Sections 103(1), 190, 191(3) of Bharatiya Nyaya Sanhita, hereinafter being referred to as 'BNS' only, Police Station Sadar Ambala, District Ambala. The above-mentioned FIR came into being at the instance of Harjeet Kaur, hereinafter being referred to as complainant only, who alleged that an altercation had taken place between her husband, namely Dharam Pal, and accused Happy regarding some labour charges in village Sarala Punjab. According to complainant in the wake of above incident, the accused persons namely Happy, Harvinder Singh, Jaspal Singh, Ram Sharan, Rinku, Rajinder, Karma, Sandeep and the wives of Happy



and Jaspal respectively have attacked her husband Dharam Pal on 05.08.2024 at about 08:00 PM with deadly weapons at village chowk. As per the complainant, accused Jaspal had hit her husband on head with an axe and accused Happy on his head with a spear and thereafter, they had dragged him in the street and when she intervened, two boys stopped her by putting chunni on her neck. It was also stated by the complainant that the accused Harvinder, Sandeep, Karma, Rajinder, Rinku and Ram Saran, who armed with iron rods and the wives of Happy and Jaspal respectively, who were armed with dandas, had attacked and inflicted injuries on the person of her husband. As per the complainant, when her brother-in-law Raj Pal reached the spot on hearing the commotion, all the accused had fled from the spot along with their respective weapons. According to complainant, thereafter, her husband was shifted to Civil Hospital, Ambala City, where he was declared brought dead.

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

3. Heard.

4. 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 allegations contained in the FIR with regard to role played by the petitioner in the commission of offence are vague, inconsistent and unable to explain which injury was inflicted by the petitioner. It has also been contended by learned counsel for the petitioner that the blow which proved to be fatal i.e. blow on the head of deceased has been attributed to co-accused and not the petitioner.



5. In addition to above, the learned counsel for the petitioner has also contended that in fact merely on the basis of previous enmity, the name of petitioner has been dragged in the present case. According to learned counsel for the petitioner, the deceased had inflicted serious injuries on the person of Jaspal Singh, the son-in-law of co-accused Gurmeet, and that with regard to above-mentioned incident dated 05.07.2024 matter was reported to the police, and the complaint was filed. As per learned counsel for the petitioner as a counterblast of above-mentioned action, the present FIR against the petitioner has been lodged.

6. In addition to above, it has also been contended by learned counsel for the petitioner that otherwise also the petitioner has clean antecedents and he has already served sentence for a period of more than one year and five months, and that nothing is left to be recovered from the possession of petitioner and trial is not likely to be concluded in near future. With regard to above, the learned counsel for the petitioner has contended that in the present case an application under Section 319 Cr.P.C. has been moved by the prosecution, whereby summoning of additional accused has been sought. As per learned counsel for the petitioner, the above-mentioned application if allowed will result into *de novo* trial of the present case.

7. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel a very prominent and specific role has been attributed to the petitioner in the commission of crime, and that there is specific mention in the FIR that at the time of commission of offence not only the present petitioner was present on the spot, but also he was instrumental in inflicting injuries on the person of deceased with the help of



steel rod. While arguing that the gravity of offence also impacts negatively on the prospects of petitioner for bail, the learned State counsel has contended that if released on bail, the petitioner is likely to misuse the above-said concession.

8. The record has been perused carefully.

9. 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 more than 01 year and 05 months;
- ii) that the petitioner has clean antecedents;
- iii) that the blow which resulted into death of victim is not attributed to the petitioner. Rather it has been attributed to his co-accused;
- iv) that no specific role has been assigned to the petitioner in the commission of crime and in a very vague manner, it has been alleged that the petitioner was part of the attacking party and he was armed with a blunt weapon. However, the FIR is silent with regard to nature and seat of injury inflicted by the petitioner ;
- v) that the investigation in this case is already complete and nothing is left to be recovered from the possession of petitioner;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vii) that the trial is not likely to be concluded in near future as the process summoning of additional accused is underway in the case in hand;
- 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;
- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.



10. 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".

11. 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”.

12. 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”.

13. 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 the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.



14. 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.

15. 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 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

13.02.2026

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