



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

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CRM-M-51266-2025 (O&M)
Date of decision : 28.01.2026

Rajesh Kumar @Teli

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Ashwani Bhatia, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 302, 460, 120-B and 34 of Indian Penal Code, the FIR No.266 dated 28.10.2023 has been lodged in Police Station Radaur, District Yamunanagar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Raj Kumar', hereinafter being referred to as 'complainant' only. It was stated by the complainant that his elder brother, Raja Ram, aged about 65 years was a monk for the last more than 25 years, and that he was staying in Hanuman Temple situated at Sangipur picket. According to complainant, Raja Ram used to sleep in the premises of abovementioned temple itself, and on 28.10.2023 at about 01:30



pm, he got an information at his home that gate of the temple was bolted from inside. As per complainant, in view of abovementioned information, he reached the temple with his family member, where police officials were already present. According to complainant, his son Mohan opened the main gate of the temple by jumping over the wall, and that inside the temple it was found that latch of the room of his brother Raja Ram was open, and he was lying on the floor in the pool of blood. As per complainant, the blood was oozing out of the head of his brother, and he had already passed away.

3. It is the case of the prosecution that acting upon the abovementioned complaint, the formal FIR in this case was lodged and the investigation taken up. According to the prosecution, during the course of investigation on the basis of secret information, the accused, namely Sagar and Abhishek, were arrested, who on interrogation suffered disclosure statement and implicated the present petitioner. As per prosecution, the petitioner had hatched a conspiracy to commit robbery with other accused and in the abovementioned process, committed murder of the brother of complainant.

4. The learned State Counsel has filed reply to the petition. The same be taken on record.

5. Heard.

6. It has been contented on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has already suffered a lot



of agony for being in custody for a period of more than 02 years and 01 month, and that the trial is taking place at a very slow pace, and that nothing has been left to be recovered from the possession of petitioner. According to learned counsel for the petitioner, the detention of petitioner in judicial lock-up is not likely to serve any purpose, and therefore, he is entitled for the benefit of bail.

7. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, although the instant case is a case based on circumstantial evidence, yet there is quite cogent, consistent and reliable evidence against the petitioner comprising of the testimony of petitioner and his co-accused, which led to discovery of fact pertaining to the present case. As per learned State Counsel, in view of gravity of offence committed by the petitioner, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. To deal with given fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Vijay Singh Vs. The State of Haryana' 2023 SCC OnlineSC 1235 are relevant. In the above mentioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the above mentioned case afforded the benefit of bail to the accused.

10. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(8) SCC 271,



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.

11. 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.

12. 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.

13. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

- i) that the petitioner is already in custody for a period of more than 02 years and 01 month;
- ii) that the only evidence available against the petitioner is the disclosure statement of his co-accused and there is a big question mark with regard to admissibility of above-mentioned statement in evidence, because the same was recorded when the maker of it was already in police custody. Since pursuant to above-mentioned disclosure statement no recovery or discovery of fact has taken place, the same is *prima facie* hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- iii) that the petitioner has clean antecedents;



- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial is taking place at a very slow pace;
- vi) that there is no legally admissible evidence against the petitioner;
- vii) 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.

14. 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 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”.

15. 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”.

16. 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”.

17. 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.

18. 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.

19. 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 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

28.01.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No