



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

**CRA-S No.2999 of 2025 (O&M)
Reserved on :15.01.2026
Pronounced on: 28.01.2026.**

Suresh @ Binni Sardana

.....Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Samay Sandhawalia, Advocate for the appellant.

Ms. Deepali Verma, AAG, Haryana.

Mr. Pranshull Dhull, Advocate for respondent No.2.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section 302, 323, 341, 427 of Indian Penal Code, hereinafter being referred to as 'IPC' and Sections 3(1)(r) 3(1) (s) and 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, hereinafter being referred as 'SC & ST Act', the FIR No.222 dated 24.06.2023, has been lodged in Police Station Civil Lines, District Kaithal. Since the appellant is in custody, he moved an application for bail which was dismissed by the learned Special Judge designated under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. Aggrieved of the order dated 22.11.2024, hereinafter being referred as 'impugned order', the present appeal has been preferred on the



ground that the impugned order is not sustainable in the eyes of law and therefore, needs indulgence of appellate jurisdiction of this Court.

3. Briefly stated, the facts emerging from record are that the FIR of this case came into being at the instance of 'Saurabh' son of 'Jitender Narula', hereinafter being referred to as 'complainant' only. It was stated by the complainant that their neighbour 'Suresh' @ 'Vikcy Sardana' was having grudge against their family for the last 2-3 years, and that with regard to above mentioned issue several times community meeting (panchayat) were convened. According to complainant on 23.06.2023 at about 1.30 p.m 'Shyam Lal' (the deceased) , a servant of 'Mukul' had come to their home on a scooty, to fetch food for 'Mukul' but the moment he parked his scooty in the street 'Binny' carrying an iron rod started damaging the above mentioned two wheeler. According to complainant 'Shyam Lal' informed him (complainant) as well as his cousin 'Mukul' about the incident and when the complainant along with 'Shyam Lal' went to street 'Binny', attacked them with the help of steel rod which hit the hand of complainant. The complainant further stated that first blow was suffered by the complainant on his hand and the second one on 'Shyam Lal' on his head, due to which 'Shyam Lal' fell down. It was also stated by the complainant that in the meantime his cousin 'Mukul' also came on the spot but he, too, came under attack, launched by 'Binny'. As per complainant, 'Mukul', too, suffered injury on the backside of his head. According to complainant, the family members of 'Binny' were instigating him at the time of commission of offence and that the neighbours intervened and rescued them. The complainant further stated that thereafter he arranged a



vehicle and shifted 'Shyam Lal' and 'Mukul' to hospital, but 'Shyam Lal' passed away due to complications of the injury suffered by him.

4. It is the case of the prosecution that initially the FIR for the commission of above mentioned offences under Sections 307 IPC was lodged but later on account of death of 'Shyam Lal', because of injury suffered in the above mentioned incident, the case was converted into a case punishable under Section 302 IPC.

5. Heard.

6. It has been contended by learned counsel for the appellant that appellant is innocent, who is facing prolonged incarceration for a period of more than 2 years and 06 months and that the investigation in this case is already complete and the trial is taking place at a very slow. According to learned counsel for the appellant the material witness, i.e. eye-witness of the occurrence namely 'Saurabh', has already been examined and the trial is not likely to be completed in near future, and therefore, the appellant, who has no criminal antecedents, is entitled for the benefit of bail.

7. In addition to above, the learned counsel for the appellant has also argued that in the present case the contents of the FIR itself shows that one blow each, only, was inflicted by the complainant and that only one blow suffered by 'Shyam Lal' led to his death. As per learned counsel for the appellant even if the above mentioned prosecution story is accepted at its face value even then the facts of the present case shows that there could not have been any intention of the appellant to kill 'Shyam Lal'.

8. As per learned counsel for the appellant the learned trial Court has



committed an error of judgment when it failed to appreciate this fact and instead of putting a check on the infringement of right to life and liberty of the appellant, it refused the benefit of bail to the appellant despite delay in trial.

9. The learned State counsel being assisted by learned counsel for the respondent No.2 has controverted the above mentioned arguments. According to learned State counsel in the present case there are very specific and categorical allegations of the complainant, with regard to involvement of appellant in the commission of crime. As per learned State counsel neither there is any dispute with regard to identity of the appellant as an accused nor there is any plausible defence.

10. The learned counsel for the complainant has further contended that in view of gravity of offence and the role attributed to the appellant, the appellant is not entitled for the benefit of bail. In view of above, the learned counsel for the respondent No.2 has contended that there is no scope of interference in the impugned order whereby the benefit of bail has been denied to the appellant.

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 decision of present petition:-

- i) that the appellant is already in custody for a period of more than 2 years and 06 months;
- ii) that the investigation in this case is already complete and therefore nothing is left to be recovered from the possession of



appellant;

- iii) that the trial is taking place at a slow pace as out of 19 only 9 witnesses have been examined so far;
- iv) that the material witnesses have already been examined and therefore, there is no apprehension that the appellant would intimidate the witnesses;
- v) that the petitioner has no criminal antecedents;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in judicial lock-up 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.

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. 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 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 appellant is entitled for the concession of bail, and that the present appeal deserves to be allowed.

18. Accordingly, without commenting anything on the merits of the case, the present appeal 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 appellant 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 appellant 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 appellant shall not leave India without prior permission of trial Court.

19. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

28.01.2026
Manoj Bhutani

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