



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

216

CRM-M-55219-2025

Date of decision 30.01.2026

KARAMBIR ALIAS SAURABH

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Sunita Shekhawat, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 109(1), 309(5), 3(5), 304, 61(2) of Bharatiya Nyaya Sanhita, hereinafter being referred to as 'BNS' only and Section 25 of Arms Act 1959, the FIR No.62 dated 18.02.2025, has been lodged in Police Station City Bhiwani, District Bhiwani. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of of Manjeet, hereinafter being referred to as complainant only. It was stated by the above-named complainant



that on 18.02.2025 at about 8.15 A.M. when he was going to attend his duty as Postal Assistant in Halu Bazar Post Office, two person riding on a black colour motorcycle came and in a threatening tone asked him to hand over the bag. According to above-named complainant, the said bikers were with a pistol and aimed to save on him, with an intention to kill. It was also state by the complainant that the above-said assailants attempted to fire gun-shot but the fire arm did not work. As per complainant in order to save himself, he ran towards the main road, and thereafter, the above-said assailants fled from the spot while waiving their pistol.

3. It is the case of the prosecution that in view of above-mentioned complaint, formal FIR of this case was lodged. According to prosecution during the course of investigation the petitioner was arrested and further investigation taken up.

4. Reply as well as custody certificate have been filed by learned State counsel. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, having no nexus, whatsoever with the commission of offence. According to the learned counsel for the petitioner the only witness available with the prosecution for the identification of the assailants is the complainant Manjeet, but the above-named witness has not supported the prosecution case with regard to identity of the petitioner as the assailant. In support of this arguments, the learned counsel for the petitioner has referred to the copy of statement of complainant Manjeet, recorded by the learned trial Court as PW-2.



7. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, there are very serious allegations against the petitioner with regard to involvement in the commission of crime, and that the trial is progressing at a reasonable pace, and therefore, the petitioner is not entitled for the benefit of bail.

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 decision: -

- i) that the petitioner is already in custody for a period of more than 11 months 07 days;
- ii) that the instant case is a case of no injury as any injury on the person of complainant was not caused;
- iii) that the name of the petitioner does not figure in the FIR;
- iv) that the complainant in his deposition before the Court, during the course of trial has not identified the petitioner as an assailant;
- v) that the investigation is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- vi) that trial is not likely to be concluded in near future;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any useful 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;
- 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. 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 above-said 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

30.01.2026
vipin

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