



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

CRM-M-55756-2025 (O&M)
Reserved on : 10.02.2026
Pronounced on : 20.02.2026

Rukmuddin

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. D.S. Matya, Advocate for the petitioner.
(joined through hybrid mode)

Ms. Shaveta Sanghi, DAG Haryana.

SURYA PARTAP SINGH, J.

This petition for bail, which is third petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed with regard to a case arising out of FIR No.58 dated 18.03.2021 for the commission of offence punishable under Sections 148, 149, 323, 302, 452, 120-B of Indian Penal Code, Police Station Nagina, District Nuh.

2. The abovementioned FIR came into being at the instance of 'Nasir', hereinafter being referred to as 'complainant' only. The above-named complainant had submitted a complaint alleging therein that the accused party wanted to encroach upon a property belonging to complainant's party and in that regard, a civil suit was already pending between the same party. According to above-named complainant, as they



were opposing the illegal acts of the accused party, an attack was launched upon them by the accused party, wherein injuries were inflicted. It was further stated by the complainant that on 18.03.2021 at about 01:00 pm, when his father was Mazid was laying on cot in the house, the party comprising of 22 persons, i.e. the accused, entered into his house and inflicted injuries on his person. It was further stated by the complainant that Haneef was armed with farsa (hatchet), Aleemudeen and Rukmudeen were carrying lathi and axe, and that they inflicted injuries on the person of Mazid, and that the injuries suffered by Mazid proved to be fatal.

3. It is the case of the prosecution that on the basis of abovementioned complaint, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. The record has been perused carefully.

6. 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 of more than four years, ten months and twenty-six days;
- ii. that the petitioner has clean antecedents;
- iii. that the credibility of the statement/complaint of complainant suffers a set-back, as in the complaint there were allegations against 22 persons, and out of 22, the challan has been filed against 05 persons only;



- iv. that the benefit of bail has already been afforded to co-accused, namely Bashiri, Sahina, Saddik, Arfina, Abbas;
- v. that the allegations against the petitioner are identical to the allegations against Alimudin, who has been found to be innocent and qua Alimudin even the application under Section 319 CrPC stands dismissed;
- vi. that although this is third petition for bail filed by the petitioner, but the relevant fact to be noted here is that earlier two bail petitions filed by the petition were not decided on merits. Rather those were dismissed as withdrawn and from the date of dismissal of second bail petition, no significant progress in trial has taken place. Thus, it is hereby held that third petition for bail is maintainable;
- vii. that out of 24 witnesses only five have been examined so far. Thus the trial is not likely to be concluded in near future;
- viii. that nothing is left to be recovered from the possession of petitioner;
- ix. that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- x. 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
- xi. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

7. 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”.

8. 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”.

9. 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”.

10. 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.



11. 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.

12. 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 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

20.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No