



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-9483-2026 in/and
CRM-M No.60121 of 2025 (O&M)
Date of Decision: 06.03.2026

Raja

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. J.S.Mehndiratta, Sr. Advocate with
Ms. Jyotnoor Kaur Sethi, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

CRM-9483-2026

This application, under Section 528 of Bharatiya Nagrik Surakhsa Sanhita, 2023 has been filed for permission to add Section 120-B of IPC (corresponding to Section 61(2) of Bharatiya Nyaya Sanhita, 2023) in the main petition.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. Section 120-B of IPC (corresponding to Section 61(2) of Bharatiya Nyaya Sanhita, 2023) is hereby ordered to be added in the head note as well as in the prayer clause of the petition. The Registry is directed to carry out the necessary correction.

**CRM-M No.60121 of 2025**

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.88 dated 26.03.2025, under Sections 103(1) and 61(2) of Bharatiya Nyaya Sanhita 2023, and Section 25(1-B)(a) and Section 29/54/59 of Arms Act, Police Station Naraingarh, District Ambala.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sita Devi', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 25.03.2025 at about 7.30 P.M. she had visited the village temple for prayer, and when, after offering prayer, she came out of the temple, she noticed that her husband 'Sudesh Kumar' was lying on the floor of the shop, with his face downwards and blood oozing out of his body. As per complainant when she screamed for help, the neighbours arrived at the spot and shifted her husband to Government Hospital, Naraingarh, where he was declared dead. According to complainant some unknown persons had committed the murder of her husband.

3. It is the case of the prosecution that on basis of above mentioned statement formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation when the video footages recorded by the CCTV camera were examined, the suspect was identified as 'Pratik @ Aryan' resident of village Lalpur. It is the case of the prosecution that thereafter the above named person was traced on the basis of reliable



information and when interrogated he suffered a disclosure statement and pursuant thereto he identified the place of occurrence. It is the case of prosecution that from the possession of above mentioned accused the weapon of offence has been recovered.

4. With regard to involvement of the petitioner in the commission of crime, the prosecution has come forward with a plea that on interrogation the accused 'Partik' had disclosed that petitioner was the supplier of the pistol which was used for the commission of offence. It is the case of the prosecution that during the course of investigation it was also revealed that the petitioner was one of the conspirators, for the commission of offence, and therefore, the supplementary challan has been filed, whereby Section 61(2) of BNS has been added.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. The record has been perused carefully.

8. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than eleven months;
- ii) that as per custody certificate the petitioner has no criminal antecedents;
- iii) that as per story set out by the prosecution the petitioner was



not present on the spot at the time of commission of offence;

- iv) that with regard to role of petitioner the allegations of the prosecution are that he was part of conspiracy hatched for the murder of Sudesh Kumar, and that he had provided the weapon of offence to the executor namely 'Partik @ Aryan'. It is also the allegations of the prosecution that the petitioner was in constant touch of prime accused, before and after the offence.

As far as the allegations with regard to hatching a conspiracy is concerned the same was not initially alleged by the prosecution when the report under Section 193 BNSS was filed against the accused, however, subsequently without prior permission of the Court, by conducting further investigation Section 61 (2) has been added. The above mentioned procedure is contrary to the statutory provisions;

- v) that the investigation in this case is complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- vi) that the trial of the case is not likely to be concluded in near future;
- vii) that the detention of the 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 is likely to tamper with the evidence, or influence



the witnesses;

- ix) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

9. 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".



10. 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".

11. 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".

12. 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.

13. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

14. 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 benefit 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 from disclosing 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 trial Court.

15. However, before parting ways with this order, it is relevant to note that in the present case in blatant violation of statutory provisions of the law of



this land, further investigation has been conducted by the Investigating Officer without prior permission of the Court. Although, the learned State counsel has tried to explain the circumstances by contending that in the final report, filed under Section 193 BNSS, it was specifically mentioned that supplementary challan would be filed, yet, with regard to permission of the Court he has no explanation.

16. In view of above, the Superintendent of Police, Ambala, is hereby directed to conduct an inquiry to fix the responsibility of the official concerned, who has violated the law of the land, and take appropriate disciplinary action against him under the intimation of this Court. The action taken report be submitted within a period of two months.

On receipt of the report the Registry is directed to list the case as IOIN.

(SURYA PARTAP SINGH)
JUDGE

06.03.2026
Manoj Bhutani

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