



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

219

CRM-M-59733-2025 (O&amp;M)

Date of decision : 04.02.2026

Sandeep Kumar @Bintu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. Saurabh Sharma, Advocate for the petitioner.

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

\*\*\*\*\*

**SURYA PARTAP SINGH, J. (oral)**

1. For the commission of offence punishable under Sections 302 and 34 of Indian Penal Code, the FIR No.55 dated 07.02.2023 has been lodged in Police Station Thanesar City, District Kurukshetra. 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 Ekta Sharma, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 04.02.2023 at around 05:00 P.M. her husband had visited clinic of Atul Arora to meet his relative, namely, Gulzar Masih, who



was admitted there for treatment. As per complainant after meeting relative, her husband came out of the clinic, where an altercation had taken place between her husband and the gunman of Atul Arora, namely Sandeep (petitioner herein), and two other persons. According to complainant, the abovesaid assailants had caused injury on the face and head of her husband, due to which he was got admitted in Government Hospital, where he passed away.

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

4. Reply to the petition has already been filed by the State. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contented on behalf of 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. It has been further contended by learned counsel for the petitioner that the FIR in question was registered after a delay of three days, which raises question qua the authenticity of its contents.

7. In addition to above, the learned counsel for the petitioner has also contended that the prosecution has failed to get the testimony of complainant, recorded before the learned trial Court, which shows that the



complainant is avoiding deposition before the learned trial Court. According to learned counsel for the petitioner, the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 02 years and 11 months, and that the trial is not likely to be concluded in near future. It has been further contended by learned counsel for the petitioner that the co-accused of the petitioner, namely Devender Kumar @Billu, has already been accorded the benefit of bail by this Court.

8. *Per contra*, the learned State Counsel has argued that the allegations against the petitioner are for an offence which is serious in nature, and that the Investigating Agency has collected sufficient evidence to show that the petitioner was involved in the incident of attack upon the deceased, and that in execution of common conspiracy of the group, of which petitioner was a party, fatal injuries were inflicted on the person of deceased. According to learned State Counsel, if petitioner is released on bail, he may influence the witnesses, & thereby tamper with the evidence.

9. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than 02 years and 11 months;
- ii) that on parity also, the petitioner is entitled for bail as his co-accused, namely Devender Kumar @Billu, has already been accorded the benefit of bail by this Court;



- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the person, who got the FIR in question registered, has not been examined yet, and therefore, the trial is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) 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
- vii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in trial.

11. 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”.

12. 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”.

13. 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”.

14. 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.

15. 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.

16. 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

04.02.2026

Gaurav Thakur

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |