

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-59940 of 2025****Date of Decision: 30.01.2026**

Vikram

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner(s).Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.**Surya Partap Singh, J.**

1. For the commission of offence punishable under Sections 61, 111(2), 111(3) and 111(4) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only and Sections 25(1-B)(a), 25(6) and 25(7) of the Arms Act, 1959 [Section 48 of BNS and Section 29 of the Arms Act deleted later on] , the FIR No. 144 dated 22.05.2025 has been lodged in Police Station Bahadurgarh, District Jhajjar, Haryana. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being at the instance of ‘ASI Dharamvir’ who had reported that on 22.05.2025 when he was leading a team of police officials deputed for patrolling duty, Pakora Chowk, Bahadurgarh-Byepass, a reliable

source gave him a tip-off that a known gangsters of the area, namely 'Rohit Godara' and 'Virender Charan', settled in another country, were involving numerous youths of Haryana State in their gang, and that money was being sent to them. According to above said informer, the above said youths were being used by the above named two gangsters for working in their gang, executing threats for extortion of money and commit other crimes. As per above mentioned report, the informer also told that 'Vijay' and 'Ram Dutt', who were members of the above mentioned gang, were present near the Canal Chowk on Nayagon to Sidhipur road and that were armed with weapons.

3. It is the case of prosecution that in view of above mentioned recovery, formal FIR of this case was lodged and during the course of investigation when the above named accused-Vijay was interrogated he suffered a disclosure statement, wherein he disclosed that the country made pistol and four cartridges were supplied to him by co-accused Vikram (petitioner herein). According to prosecution, in view of above mentioned information, the petitioner was arrested on 29.07.2025 who, on interrogation, suffered a disclosure statement and identified the place where he had supplied the above mentioned weapon to accused Vijay.

4. Heard.

5. It has been contended 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 merely on the basis of disclosure statement of co-accused, namely Vijay. According to learned counsel for the petitioner, nothing objectionable has been recovered from the

possession of petitioner, and that he is already in custody for a period of almost six months. The learned counsel for the petitioner has further contended that nothing is left to be recovered from the possession of petitioner, and that his detention in judicial lock-up will not serve any fruitful purpose and therefore, the petitioner is entitled for the benefit of bail.

6. Per contra, the learned State counsel has contended that the petitioner is active member of a gang involved in the various types of illegal activities, and that the money was transferred to his account by the gangsters, namely 'Rohit Godara' and 'Virender Charan'. It has been further contended by the learned State counsel that if released on bail, the petitioner may tamper with the evidence and therefore, he is not entitled for the benefit of bail.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, the only evidence against the petitioner is that he had supplied a country-made pistol to co-accused Vijay. In addition to above, another allegation against the petitioner is that he received money from the gangsters, namely 'Rohit Godara' and 'Virender Charan'. However, except the disclosure statement of the co-accused and the confessional statement of the petitioner, there is no evidence on record to show that the country-made pistol was actually supplied to him by the petitioner. It is also relevant to mention here that there is no evidence with regard to transfer of money by the accused, namely Vijay to the petitioner. In the present case although it has been alleged that the petitioner has received money from the gangsters, namely 'Rohit Godara' a 'Virender Charan' but there is no convincing evidence to

support the above mentioned allegation.

9. Taking into consideration the above mentioned facts and circumstances of the present case, following factors deserve to be taken into consideration:-

- i) that the petitioner is in custody for a period of almost six months;
- ii) that nothing objectionable has been recovered from the possession of petitioner;
- iii) that the investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner.
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of petitioner in the judicial lock-up is not likely to serve any purpose;
- vi) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of Dataram v. State of Uttar Pradesh and Another(2018) 3 Supreme Court Cases 22, has 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 v. Central Bureau of Investigation* (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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 v. 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 above mentioned 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 above mentioned 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 his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- a) 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;

- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

16. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

17. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

January 30, 2026
“DK”

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