



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-60580 of 2025 (O&M)

Date of Decision: 06.02.2026

Rajeev
... Petitioner(s)

Versus

State of Haryana
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Sahil Chaudhary, Advocate
for the petitioner(s).

Mr.Sunny Namdev, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

CRM-50291-2025

1. This is an application seeking for placing on record certain documents. For the reasons stated in the application, the same is hereby allowed and the documents annexed with the application are taken on record.

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2. This second petition for bail has been filed with regard to a case arising out of FIR No. 215 dated 13.04.2024, Police Station Old Industrial Panipat, District Panipat, Haryana for the commission of offence punishable under Sections 302, 120-B and 34 of the Indian Penal Code, 1860.

3. Briefly stating the facts emerging from the record are that the above mentioned FIR came into being at the instance of ‘Tosif’, hereinafter

being referred to as “complainant” only. It was stated by the above named complainant that his younger brother, namely ‘Yurid’, who was a Taxi Driver by profession was in touch with ‘Gagan’ wife of ‘Ankit’ for the last three/four months and used to talk to her. According to complainant, since January he had visited ‘Gagan’ several times and that on last day also at about 05/06.00 P.M. he left home to meet ‘Gagan’. According to complainant Gagan’s husband ‘Ankit’ and his friend ‘Rajiv’ had picked up quarrels with his brother ‘Yurid’ on several occasions. It was further stated by the complainant that at about 10.00 P.M. he had called his brother ‘Yurid’ who had informed that he was returning home in the night itself. As per complainant at about 01.15 A.M. Gagan called him with mobile of ‘Yurid’ and told that ‘Yurid’ was admitted in ‘Badrinath Hospital’, Asandh Road, Panipat and that his condition was serious. As per complainant ‘Gagan’ had asked the complainant to come to Panipat and thereafter after a gap of ten minutes she called him again and told that ‘Yurid’ had passed away.

4. In addition to above, the complainant also stated that when he reached Panipat and enquired about the details of incident from ‘Gagan’ she told him that ‘Yurid’ had come to meet her and that at about 11.00 P.M. her husband ‘Ankit’ also came and when he found ‘Gagan’ and ‘Yurid’ in kitchen he got infuriated and called his friend ‘Rajiv’ who first picked up quarrel with ‘Yurid’ and then with the help of kitchen knife inflicted injuries on the person of ‘Yurid’ and when ‘Yurid’ ran towards a street he was picked up by ‘Rajiv’ and ‘Ankit’ who got him admitted in the hospital.

5. It is the case of prosecution that in view of above mentioned information, formal FIR of this case was lodged and the investigation taken

up.

6. Heard.

7. The record has been perused carefully.

8. If the facts and circumstances of the present case are analyzed in the light of relevant laws it transpires that following factors deserve to be taken into consideration:-

- i) that the petitioner is already in custody for a period of more than one year and 9½ months.;
- ii) that out of 21 only six prosecution witnesses have been examined so far;
- iii) that although this is second petition for bail but the first petition was not decided on merits;
- iv) that the first petition was decided on 06.12.2024 and thereafter despite the lapse of more than 14 months no significant progress in trial has taken place;
- v) that statement of only eye witness of the occurrence, namely 'Gagan' has already been recorded and she has not supported the prosecution case;
- vi) that the petitioner has been nominated on the basis of statement given to complainant by 'Gagan' and except the above mentioned statement there is no evidence connecting the petitioner with the commission of crime; and 'Gagan' has not supported the prosecution case with regard to involvement of petitioner in the commission of offence;

- vii) that since investigation is complete, nothing is left to be recovered from the possession of petitioner;
- viii) that detention of petitioner in judicial lock-up will not serve any purpose;
- ix) that the petitioner has no criminal antecedents;
- x) 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
- xi) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

9. 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.”

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 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.”

11. 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.”

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 the accused as mandated by Hon’ble Apex court in Balwinder Singh versus State of Punjab and Another 2024 SCC Online SC 4354.

13. 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.

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 above said concession shall be subject to 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.

15. 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

February 06, 2026
“DK”

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