

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M No.62161 of 2025 (O&M)
Decided on: 26.02.2026

Sachin

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.44 dated 14.03.2025, for the commission of offence punishable under Sections 103(1), 115, 127(2), 190, 191(3) 333 and 61 of BNS, Police Station Rajaund, District Kaithal.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Ankush', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that he had a close friendship with 'Vishal' 'Vijay' 'Aman' son of 'Jaswant', 'Savan', 'Aman' son of 'Satpal' and 'Prince' (deceased). According to complainant on 14.03.2025, 'Aman' son of 'Satpal' had invited them to village Songal to the resident of maternal uncle of 'Aman' son of 'Satpal'. According to complainant in view of above mentioned invitation they all went



to the residence of 'Vinod' son of 'Pirthi' son of maternal uncle of 'Aman'. According to complainant, after some time several persons entered in their room and assaulted them, and that in the above mentioned incident 'Sunny' son of 'Bichhu', resident of Songal, inflicted an injury on the person of Prince with an iron rod due to which 'Prince' fell to the ground and thereafter 'Rohit' and 'Billa' inflicted injuries on his person with the help of wooden handle/sticks. As per complainant, that they were assisted by 'Lakhmi', 'Ajay', 'Kala', 'Vijay' who were carrying sticks and pole-axe (gandasi) in their hand. It was further alleged by the above named complainant that the above mentioned attack was orchestrated by 'Aman' son of 'Satpal' and his cousin 'Vinod', and that in the above mentioned incident 'Prince' had suffered injuries which proved to be fatal.

3. It is the case of prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner and status report in the form of affidavit of Deputy Superintendent of Police, Kalayat Kaithal. The same be taken on record.

5. Heard.

6. The record has been perused carefully.

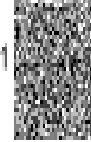
7. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

i) that the petitioner is in custody for a period of more than ten



months and twenty four days;

- ii) that the petitioner has clean antecedents;
- iii) that the FIR contains the names and details of other assailants but the name of the petitioner does not figure in the FIR;
- iv) that the allegations with regard to commission of injury caused by the petitioner are vague and inconclusive;
- v) that as per reply submitted by the State the petitioner was carrying a stick in his hand at the time of assault;
- vi) that there is nothing on record to show that any injury was inflicted by the petitioner on the person of deceased Prince;
- vii) that there is nothing on record to show that any injury caused caused by the petitioner proved to be fatal for the deceased;
- viii) that the injury suffered by other victims are simple in nature;
- ix) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- x) that the involvement of petitioner in the present case has been made solely on the basis of disclosure statement suffered by co-accused. The above mentioned disclosure statement was recorded when the co-accused was already in custody, and therefore, it has very limited probative value. Rather in the instant case it seems to be hit by Section 23 of BSA;



- xi) that in order to prove the presence of petitioner at the time of commission of crime, any test identification parade was not conducted;
- xii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- xiii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- xiv) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

8. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India 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”.

9. 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”.

10. 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”.

11. 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.

12. 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.

13. 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.

(SURYA PARTAP SINGH)
JUDGE

26.02.2026
Manoj Bhutani

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