



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-65730-2025 (O&M)
Reserved on : 02.02.2026
Pronounced on : 13.02.2026

Sandeep Kumar @Kaku

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Nitin Arora, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No.90 dated 24.08.2024 under Sections 105, 3(5), and 303(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Division No.3, District Ludhiana. The abovementioned FIR came into being at the instance of 'Viru', hereinafter being referred to as 'the complainant'. It was stated by the complainant that he and Sunny (now deceased) were brothers and both of them were working as sanitation workers in the Municipal Corporation. It was alleged by the complainant that on 22.08.2024 at about 06:00 pm, the deceased Sunny went along with his friends, namely Sandeep Kumar @Kaku, (petitioner herein) and Bhanu on his motorcycle bearing registration No.PB10-JB-7157 and did not return home thereafter.

2. It had been further alleged by the complainant that on 23.08.2024 at about 12:00 noon, he came to know that his brother was lying



unconscious in a vacant and deserted house situated on Gaushala Road, Ludhiana and his motorcycle was parked nearby. The complainant further alleged that during enquiry he came to know that the petitioner along with his co-accused had taken the deceased to the said deserted place and gave him something to consume, as a result of which he died. It was further alleged that the co-accused abandoned the deceased at the spot and fled away.

3. It is the case of the prosecution that on the basis of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

4. Arguments addressed on behalf of all the parties have been heard.

5. The record has been perused carefully.

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

- (i) that the petitioner is already in custody for a period of more than one year and five months;
- (ii) that the instant case is based on circumstantial evidence as there is no eye-witness account;
- (iii) that the statement of PW-1 has already been recorded, and the PW-1 has not supported the prosecution case qua the role of petitioner in the commission of crime;
- (iv) that as per post-mortem report, the reason behind the death of deceased Sunny was over-dose of Morphine;



- (v) that the investigation is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
- (vi) that the petitioner has clean antecedents;
- (vii) that the trial is not likely to be concluded in near future;
- (viii) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (ix) 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
- (x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

7. 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”.

8. 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”.

9. 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



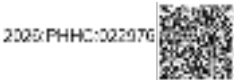
21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are 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”.

10. 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.

11. 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.

12. 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

13.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No