



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

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CRM-M No.67386 of 2025 (O&M)
Date of Decision: 27.01.2026

Mool Chand @ Vikas

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. B.S.Tewatia, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302, 365, 404 and 34 of IPC, the FIR No.186 dated 05.05.2023 has been lodged in Police Station Central Faridabad, District Faridabad. The petitioner is in custody, and therefore, craving for bail. This is Ist petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2. Briefly stated the facts emerging from record are that the FIR of this case came into being at the instance of 'Pooja', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 29.04.2023 she had visited Faridabad to attend the marriage of her sister's son, and that on 04.05.2023 she and her husband 'Pyaru' had participated in the marriage procession. As per complainant, her husband left the marriage procession by saying that he was going to lavatory to ease himself, and that thereafter he did not return. The complainant further stated that she and other



family members had searched for him, and that during search her brother 'Chintu' told him that he had come to know that an unidentified dead body was found in the open place opposite Town Park Sector-12 Faridabad. It was further stated by the complainant that on receipt of above mentioned information she went to the above said place and found the dead body of her husband, who was killed by strangulation with the help of a piece of cloth (gamcha).

3. It is the case of the prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. As per prosecution, on the basis of secret information petitioner and his co-accused 'Sharaft Khan' were apprehended, who on interrogation suffered a disclosure statement, wherein they confessed their involvement in the commission of above mentioned offence.

4. Heard.

5. Reply by way of affidavit of Deputy Assistant Commissioner of Police, Central Faridabad has been filed. The same be taken on record.

6. It has been contended by learned counsel for the petitioner that petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that in the present case is a case wherein there is no direct evidence against the petitioner. As per leaned counsel for the petitioner, the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 2 years and 8 ½ months. It has also been contended by learned counsel for the petitioner that the petitioner has clean antecedents, and that the trial is progressing at a snail's pace as out of 28 so far only 2 witnesses have



been examined.

7. Per contra, the learned State counsel has contended that although the present case is a case based on circumstantial evidence, but there is sufficient and reliable evidence against the petitioner including the confessional statement of the petitioner to bring home charge against the petitioner. According to learned State counsel at this stage, when all the material witnesses are yet to be examined if the petitioner is released on bail, he may tamper with the evidence.

8. The record has been perused carefully.

9. A perusal of the record and reply 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 has already suffered a prolonged incarceration for being in custody for a period of more than 2 years and 8 ½ months;
- ii) that as per the prosecution story on the basis of secret information the petitioner and his co-accused were arrested and they had suffered a confessional statement. However, there is a big question mark with regard to admissibility of above mentioned disclosure statement, in evidence, as at the time of recording of above mentioned disclosure statement the petitioner was in police custody;
- iii) that the only evidence collected by the Investigating Agency



with regard to involvement of the petitioner is that, that in CCTV footage an auto rickshaw, wherein the petitioner and co-accused were travelling is visible but the above mentioned evidence in itself is a very weak type of evidence, to prove involvement of the petitioner in the commission of crime;

- iv) that the trial is taking place at a very slow pace as out of 28 only 2 witnesses have been examined, so far;
- v) that the investigation in this case is complete and therefore, nothing is left to be recovered from the possession of petitioner;
- vi) that any weapon of offence has not been recovered from the possession of petitioner;
- 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 participate/cooperate in the trial.

10. 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) 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”.

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 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”.

12. 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”.

13. Therefore, 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.



14. 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.

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. However, the abovesaid 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 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

27.01.2026

Manoj Bhutani

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