

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-67037 of 2025 (O&M)

**Reserved On: 10.02.2026
Pronounced On: 20.02.2026**

Vishal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

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

Present: Ms. Mansi, Advocate
for Mr. Bhisham Kumar Majoka, Advocate
for the petitioner(s).

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

Surya Partap Singh, J.

1. This petition for bail, which is second petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed with regard to a case arising out of FIR No.64 dated 28.02.2022, for the commission of offence punishable under Section(s) 148, 149, 302, 323, 427, 451 and 458 of the Indian Penal Code, 1860 Police Station 13-17, District Panipat, Haryana.

2. The FIR of this case came into being at the instance of 'Ronak' hereinafter being referred to as "complainant" only. It was stated by the complainant that in the intervening night of 27th/28th February, 2022 his brother-in-law, namely 'Mukesh' son of Rajbir Singh informed him on

near Devi Lal Park. According to complainant, on receipt of above-mentioned information he along with his brother-in-law 'Krishan' went to Devi Lal Park where his father-in-law was lying in the pool of blood. According to complainant, 'Rajbir' had suffered serious injuries on his head and forehead and therefore, he was immediately shifted to Civil Hospital in an ambulance where his father pointed finger towards gardener 'Ramesh' son of Raja Ram, whereby initially this inference was drawn that 'Ramesh' was responsible for the above-mentioned injuries. According to complainant, thereafter, his father-in-law lost his conscious and succumbed to his injuries.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged and during the course of investigation it was found that 'Ramesh' was not responsible for the above-mentioned offence. Thus, he has been exonerated. According to prosecution, during the course of investigation, on the basis of extrajudicial confession suffered by the petitioner, and his co-accused 'Wasim' son of Kamal Khan, the petitioner and his co-accused have been prosecuted.

4. Heard.

5. The record has been perused carefully.

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

- i) that the petitioner has already suffered prolonged incarceration for a period of more than three years & ten months;

- ii) that nothing has been recovered from the possession of petitioner;
- iii) that the petitioner has clean antecedents;
- iv) that the entire prosecution case is resting upon the plea that 'Ramesh Kumar' was an eye-witness of the occurrence. The statement of 'Ramesh Kumar' has already been recorded by the learned trial Court, as PW.6, and the above named star witness of the prosecution has not supported the prosecution case qua the fact that the injuries on the person of 'Rajbir' were inflicted by the petitioner and his co-accused;
- v) that except 'Ramesh Kumar' there is no eye-witness account of the prosecution;
- vi) that the trial is not likely to be concluded in near future as out of 35, only 29 witnesses have been examined so far;
- vii) that there is no other evidence to link the petitioner with the commission of crime;
- viii) that although this is second petition for bail filed by the petitioner, yet the same is maintainable in view of the fact that the first petition for bail moved by the petitioner was dismissed more than nine months ago, and from the date of dismissal of above mentioned petition no significant progress in trial has taken place;
- ix) that nothing is left to be recovered from the possession of the petitioner;

- x) that further detention of the petitioner is not likely to produce a fruitful result;
- xi) 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
- xii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

7. 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.”

8. 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.”

9. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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.”

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 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.

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 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.

13. The pending miscellaneous application(s), if any, shall stand disposed of.

(Surya Partap Singh)
Judge

February 20, 2026
“DK”

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