



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

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CRM-M No.69172 of 2025 (O&M)

Date of Decision: 06.03.2026

Mohit**.....Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Pardeep Chokkar, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.449 dated 06.08.2025, under Sections 115, 126, 190, 191(3) and 351(3) [challan has been presented under Sections 115, 118(2), 126, 3(5) and 351(3)] of Bharatiya Nyaya Sanhita, 2023, Police Station Industrial Sector-29, Panipat, District Panipat.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of 'Sagar' son of 'Jagpal Singh', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 06.08.2025 when he and his cousin 'Vishal' were going home on a bike, they were intercepted by a Black Scorpio. According to complainant, 'Sandeep' had displayed a pistol and he along with 'Rahul and



‘Mohit’ (petitioner herein) alighted from the vehicle and with an intention to kill them, launched an attack upon them with the help of an axe. According to complainant his cousin tried to run away from the spot but he was chased by a person carrying axe and pistol. It was also stated by the complainant that ‘Pardeep’ son of ‘Oma’ was also one of the assailant and that two persons were sitting in the car.

3. It is the case of the prosecution that on basis of above mentioned statement formal FIR was lodged and the investigation taken up. As per prosecution during the course of investigation when ‘Mohit’ (petitioner) was interrogated he suffered a disclosure statement wherein he stated that the other two persons who were sitting in the car were ‘Amit’ and ‘Manish’. It has been further alleged by the prosecution that when ‘Amit’ was arrested he, too, suffered a disclosure statement and that pursuant to such statement a wooden handle has been recovered.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Ramender Singh Chauhan, AAG, Haryana, has appeared on behalf of respondent-State, and waives service.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State, and the learned State counsel has opted to oppose the present petition orally.

7. Mr.Pardeep Chokkar, Advocate has put in appearance on behalf of the complainant and filed the memorandum of appearance.



8. Heard.

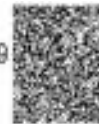
9. It has been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than six and half months, and that the injury attributed to the petitioner is not on vital part of the body. The learned counsel for the petitioner has further contended that otherwise also the offence is triable by the Court of Judicial Magistrate, and that the petitioner has already been discharged from the hospital. As per learned counsel for the petitioner the petitioner has no criminal antecedents, and therefore, he is entitled for bail.

10. Per contra, the learned State counsel being assisted by learned counsel for the complainant has argued that the grievous injury with the help of a sharp edged weapon, i.e. axe, has been inflicted in the present case and that the co-accused of the petitioner had suffered a disclosure statement and pursuant to that disclosure statement a *danda* was recovered. The learned counsel for the complainant has specifically contended that till the recording of statement of complainant, the benefit of bail should not be afforded to the petitioner.

11. The record has been perused carefully.

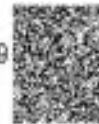
12. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of more than six and half months;



- iii) that the injury attributed to the petitioner is not on vital part of the body;
- iv) that the injured has already been discharged from the hospital;
- v) that nothing has been left to be recovered from the possession of the petitioner;
- vi) that the trial of the case is not likely to be concluded in near future;
- vii) that the detention of the petitioner in judicial lock up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- ix) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

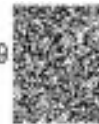
13. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, 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”.

14. 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”.

15. 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”.

16. 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.

17. 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.

18. 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

06.03.2026
Manoj Bhutani

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