



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131-2

CRM-M No.70156 of 2025 (O&M)
Decided on: 25.02.2026

Ali Mohd.

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Kunal Dawar, Sr. Advocate with
Mr. Satish Chaudhary, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.
Mr. Rehan Gupta, Advocate for
Mr. Yajur, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, moved by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition has been filed with regard to a case arising out of FIR No.44 dated 20.03.2025, for the commission of offence punishable under Sections 191(2), 191(3), 115, 351(3), 109(1) [Section 117(2) added later on] of Bharatiya Nyaya Sanhita, 2023, Police Station Nagina, District Nuh.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the complaint of complainant 'Saikul' son of 'Sahabuddin', hereinafter being referred to as 'complainant' only. According to complainant from his shop some grocery items, and fodder for animal, were purchased by 'Ayub' son of 'Amin' but he did not pay money and kept on avoiding the payment on one pretext or the other. According to complainant on 07.03.2025 when he demanded money from 'Ayub', he refused to pay the



same and threatened the complainant to teach a lesson if demand would be raised again.

3. The complainant further alleged that on 08.03.2025, when he was going home, on the way near the house of 'Ayub' son of 'Ratti', the above-named accused (Ayub son of Amin) along with 'Sadiq', 'Arif' and 'Mustaq' launched an attack upon him with the help of wooden handle & iron rods, and they were later on joined by 'Amina', 'Tauhid', 'Qasid', 'Kamruddin' and 'Rihana'. It was alleged by the complainant that attack on his person was caused with an intention to kill him and that, he had sought help from the police by dialing No.112.

4. It is the case of the prosecution that on the basis of above-mentioned complaint formal FIR of this case was lodged and the investigation taken up.

5. Notice of motion.

6. Since advance notice has already been served, Mr. Ramender Singh Chauhan, AAG, Haryana, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

7. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

8. Mr. Rehan Gupta, Advocate for Mr. Yajur, Advocate, appears on behalf of the complainant.

9. Heard.

10. The record has been perused carefully.

11. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of a



decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than 09 months;
- ii) that the injured has already been discharged from the hospital;
- iii) that the investigation in this case is already complete and the challan has been filed in the Court;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that as per custody certificate the petitioner has clean antecedents and he has never been prosecuted for any other offence;
- vi) that the injury attributed to the petitioner is simple and the injury declared to be dangerous to life has been attributed to co-accused Zafaruddin;
- vii) that cross-version has also been registered by the police and in the above-mentioned cross-version the accused belonging to opposite party have been released on bail;
- viii) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- ix) that the trial is not likely to be concluded in near future;
- x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;



- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

12. 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".

13. 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”.

14. 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”.

15. 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.

16. 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.

17. 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

25.02.2026
Manoj Bhutani

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