



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

142

CRM-M No.70462 of 2025 (O&M)

Date of Decision: 19.02.2026

Sandeep @ Chautala

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

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.60 dated 04.03.2018, under Sections 302, 34, 120-B, 216 and 303 [Sections 120-B, 216 and 303 of IPC added later on] of Indian Penal Code, and Section 25 of Arms Act', Police Station Sector-37, Gurugram, District Gurugram. During the course of investigation of above mentioned case, the petitioner was arrested on 31.03.2019. The petitioner is in custody since then, and therefore, he has approached this Court, for the concession of bail.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being on the statement of Ramavtar, hereinafter being referred to as "complainant" only. In his statement, it was stated by the complainant that on 03.03.2018 at about 5:30 P.M., he along with his cousin,



namely Parvesh, aunt-Dhanpali and niece-Lucky Bhati was going towards Mohammadpur Jharsa in Fortuner car, bearing registration No. HR-26-BV-5151. According to complainant, the car belonged to his cousin-Parvesh, who was driving the same and he (the complainant) was on co-driver seat. The complainant had further stated that on the way, one black Bolero Pick-up came from behind and while overtaking their car, it came parallel to their car. As per complainant at that moment, Giriraj son of Khushi Ram, who was sitting on co-driver seat of Bolero Pick-up, fired a gunshot which hit the right side of the head of Parvesh. According to complainant, with the help of hand brake, he managed to stop the car and observed that on Bolero Pick-up, two persons were standing on rear side, whom he would recognize if produced before him. As per complainant, due to bullet injury Parvesh had passed away.

3. Notice of motion.

4. 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.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration as he is in custody for a period of more than 06 years and 10 months and that trial is not likely to be concluded in near future, as even half of the list of witnesses has not yet been



exhausted.

8. In addition to above, the learned counsel for the petitioner has also contended that no role has been attributed to the petitioner in the commission of crime, except that he was occupant of the vehicle, wherein the main accused 'Giriraj' was travelling at the time of incident. It has also been contended that no weapon has been recovered from the possession of petitioner and that the benefit of bail to similarly placed two co-accused namely 'Jagbir' and 'Tinku' has been accorded vide order dated 12.09.2019 and 27.11.2020 respectively.

9. Per contra, the learned State counsel has argued that allegations against the petitioner are very serious in nature and that at the time of commission of crime he was travelling in the same vehicle in which the co-accused 'Giriraj', who had fired gunshot was travelling. The learned State counsel has also contended that the petition for bail filed by co-accused 'Giriraj' has already been dismissed by this Court on 30.10.2025. According to learned State counsel the petitioner has a long criminal history and therefore, if released on bail he may threaten the witnesses.

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 a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than 6 years and 10 months;
- ii) that no specific role has been attributed to the petitioner in the commission of crime;



- iii) that no weapon has been recovered from the possession of petitioner;
- iv) that the trial is taking place at a very slow pace as out of 52 only 27 witness have been examined so far;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of 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 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 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

19.02.2026
Manoj Bhutani

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