

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-73747 of 2025****Date of Decision: 16.02.2026**

Rinku Kumar and Another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner(s).Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.**Surya Partap Singh, J.**

1. This petition under Section(s) 483 Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only, has been moved for grant of bail with regard to a case arising out of FIR No. 159 dated 24.05.2025 for the commission of offence punishable under Section(s) 115, 190, 191(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, [Sections 118(1), 238(b) and 117(3) of BNS added later on), Police Station Munak, District Karnal, Haryana.

2. The FIR of this case came into being at the instance of ‘Preeto Devi’, hereinafter being referred to as “complainant” only. It was stated by the complainant that on 15.5.2025 in the afternoon she along with her husband had gone to tube-well to irrigate their fields, where ‘Raju’ son of

present. As per complainant when her husband 'Shiv Charan' tried to operate the tube-well, 'Ramesh' and 'Sharvan' proclaimed that he had no share in the tube-well and therefore, they would not allow him to use the tube-well. According to complainant, in the backdrop of above-mentioned dispute when her husband tried to operate the tube-well he came under attack, wherein 'Ramesh' hit him with the help of bamboo stick due to which her husband fell down and then 'Raju' while exhorting to teach him a lesson attacked him with the help of spade due to which small finger of the left hand of her husband got chopped off. It was further stated by the complainant that when she screamed for help, 'Satpal' and 'Kulbir' arrived on the spot and they, too, joined the assailants and caused injuries on the person of her husband.

3. In addition to above, the complainant also stated that other assailants, namely 'Kailasho Devi', 'Kashmiro Devi', 'Amro Devi' and 'Jogindro Devi', too, had arrived on the spot and had scuffle with the complainant and thereafter, 'Rinku' and 'Pawan' with the help of bamboo stick and rod inflicted injuries on the person of her son 'Amrik' and injured his right thigh, left leg, ring finger and face.

4. It is the case of prosecution that in view of above mentioned statement, the formal FIR of this case was lodged and the investigation taken up.

5. Heard.

6. The record has been perused carefully.

7. 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 a decision:-

- i) that all the offences alleged committed by the petitioners are triable by the court of Judicial Magistrate;
- ii) that the petitioners have no criminal antecedents;
- iii) that both the petitioners are in custody for a period of more than 2½ months each;
- iv) that the injured has already been discharged from the hospital;
- v) that the recovery of weapon of offence, if any, can be facilitated by issuing a direction to the petitioner to join investigation of the case;
- vi) that all the injuries attributed to the petitioners were suffered by 'Amrik' and as per medico-legal report any injury suffered by 'Amrik' was not grievous;
- vii) that nothing else is left to be recovered from the possession of petitioners;
- viii) that the trial is not likely to take place in near future as it has not yet commenced;
- ix) that the detention of petitioners is not likely to serve any purpose;
- x) that there is nothing on record to show that while on bail, the petitioners are likely to tamper with the evidence or influence the witnesses; and

xi) that there is nothing on record to show that while on bail, the petitioners will not participate/cooperate in the investigation.

8. 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."

9. 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.”

10. Recently, in the case of ‘Tapas Kumar Palit v. 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 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.”

11. 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.

12. 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 petitioners are entitled for the benefit of bail, and that the present petition deserves to be allowed.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioners are 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 petitioners 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 petitioners 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 petitioners shall not leave India without prior permission of the trial Court.

14. It is, however, made clear that any observation made here-in-

above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15. However, before parting with this order, it shall not be out of place to mention here that as per contents of FIR one of the injuries suffered by the husband of complainant, namely 'Shiv Charan' was the severance of a part of small finger of left hand of 'Shiv Charan'. It is also apparent from the FIR that the above mentioned injury was inflicted with the help of spade which is a sharp-edged weapon. However, in a very strange manner, in the present case the sections for the commission of offence of grievance injury have not been invoked. It seems to be either negligence or lapse or motivative deliberate act on the part of the Investigating Officer. Hence, the Superintendent of Police, Karnal is hereby directed to look into the matter and take appropriate action against the erring officer/official. A report in this regard be submitted in this Court within a period of one month.

16. The Registry is directed to list the present case on **23.03.2026** as IOIN.

(Surya Partap Singh)
Judge

February 16, 2026
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No