



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

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CRA-S No.4012 of 2025 (O&M)

Date of Decision: 09.03.2026

Deepak @ Modal**.....Appellant****Versus****State of Haryana and another****..... Respondents****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Argued By:** Mr.Parveen Sharma, Advocate for the appellant.

Ms. Deepali Verma, AAG, Haryana.

Mr. Kapil Dev Balyan, Advocate for respondent No.2.

SURYA PARTAP SINGH, J. (Oral):

The appellant has filed the present appeal under Section 14-A of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as 'SC and ST Act' only. It has been filed to challenge the order dated 12.12.2025, hereinafter being referred to as 'impugned order' only, passed by the learned Additional Sessions Judge/Judge Special Court under the SC and ST Act, Sonipat, hereinafter being referred to as 'trial Court' only, whereby, the regular bail application filed by the appellant was dismissed in a case arising out of FIR No.139 dated 17.05.2024, for the offence under Sections 302, 364 and 34 of Indian Penal Code, 1860 and Section 3(2)(v) of SC and ST Act, Police Station Civil Line, District Sonipat.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Narender', hereinafter being referred to as 'complainant' only. It was stated by the above named



complainant that on 16.05.2024 his son had left home at about 7.30 P.M to attend a birthday party, and that at about 1.30 A.M 'Ajay' was found lying outside the house in a severely injured condition. According to complainant on inquiries 'Ajay' told him that he was beaten up by 'Akash', 'Lucky', 'Babbal' and others. It was further stated by the complainant that injured was taken to hospital, where he passed away.

3. It is the case of the prosecution that on the basis of above mentioned complaint formal FIR of this case was lodged and the accused 'Lucky', Virender @ Bablu and Deepak were arrested. According to prosecution, during the course of investigation they suffered their respective disclosure statements, wherein they stated that for taking revenge from the deceased 'Ajay', they had hatched a conspiracy and committed murder of 'Ajay'. According to prosecution at the instance of above named accused the place of occurrence was got identified.

4. It has been contended by learned counsel for the appellant that the appellant is innocent having no nexus, whatsoever, with the commission of crime, and that he has suffered prolonged incarceration. According to learned counsel for the appellant despite above mentioned factors the benefit of bail has been denied to appellant. It is the claim of the appellant that the learned trial Court has committed an error of judgment, and therefore, the impugned judgment deserves to be set aside.

5. With regard to role of appellant it has been alleged by the prosecution that he was an active participant in the criminal conspiracy and assisted the co-accused in planning to take revenge against 'Ajay'. He further assisted forcibly shifting 'Ajay' (deceased) to an open ground.



6. Heard.

7. The record has been perused carefully.

8. 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 appeal:-

- i) that the appellant is already in custody for a period of more than one year and nine & half months;
- ii) that the name of the appellant does not figure in the FIR;
- iii) that the custody certificate shows that appellant has no criminal antecedents;
- iv) that the sole eye-witness of occurrence introduced by the prosecution, namely Deepak, has already been examined and he has not supported the prosecution case with regard to involvement of appellant in the commission of crime. Thus, it is apparent that the star witness of the present petition has already inflicted irreparable damage to the prosecution case;
- v) that the investigation in this case is complete, and therefore, nothing has been left to be recovered from the possession of appellant;
- vi) that the trial of the case is not likely to be concluded in near future;
- vii) that the detention of the appellant 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 appellant is likely to tamper with the evidence, or influence the witnesses;

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

9. 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”.

10. 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”.

11. 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”.

12. 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.

13. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the appellant is entitled for bail, and that an error of judgment has been committed by the learned trial Court, when it declined the benefit of bail to the appellant. In the given fact-situation it is held that the impugned order (ibid) is devoid of merit and deserves to be set aside. Hence, by accepting the present appeal the impugned order is hereby set aside and it is hereby ordered that the appellant is entitled to the benefit of bail.

14. In view of above mentioned observations, the appellant is admitted to bail on furnishing bail bonds to the satisfaction of the learned trial Court concerned/Illaqa Magistrate/Duty Magistrate, subject to the following conditions:-

- i) that the appellant 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 closing such facts to the Court or to any other authority;
- ii) that the appellant 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 disposal of the case; and
- iii) that the appellant shall not leave India without prior permission



of the trial Court.

15. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present appeal and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

09.03.2026
Manoj Bhutani

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