



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

133

CRM-M-73752-2025

Date of decision: 25.02.2026

DEEPAK KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Nikhil Mittal, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Garvit Mittal, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This petition for bail, which is first petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed with regard to a case arising out of FIR No.507 dated 10.09.2025. The above-mentioned FIR has been filed for the commission of offence punishable under Sections 61(2), 316(2), 318(4) & 351(4) Bharatiya Nyaya Sanhita hereinafter being referred to as BNS only, Police Station Civil Lines, District Karnal.

2. The above-mentioned FIR came into being at the instance of Palwinder Kumar, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he wanted to purchase a plot and in that context he came in contact of accused No.2-Deepak Rana (petitioner herein). It was alleged by the petitioner that the deal was struck for the



purchase of a plot, admeasuring 250 square yards and it was projected that the abovesaid plot was owned by accused No.1-Ashok Kumar. As per complainant a sum of Rs.5,00,000/- was paid in advance, and an agreement to sell was reduced into writing. It had also been alleged by the complainant that subsequent thereto, on payment of remaining sale consideration a full and final agreement, too, was reduced into writing. According to complainant when he visited the above-mentioned property, he found that accused No.1 was not the owner of that property and that, in fact, he had already sold the same to a third person in the year 2016.

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

4. Since advance notice has already been served upon the State, Mr. Mr. Ramender Singh Chauhan, AAG, Haryana, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with. The learned State counsel has filed the status report and custody certificate. The same be taken on record.

5. Mr. Garvit Mittal, Advocate appears on behalf of complainant. He has filed Power of Attorney. The same be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that petitioner has no role to play in the above-mentioned deal, and that he was only a signatory, as an attesting witness, to the first agreement to sell. It has also been contended that nothing has been received by the petitioner in his account, and that he is not the beneficiary of any fraud, if any.

8. *Per contra*, the learned State counsel being assisted by learned



counsel for the complainant has contended that in the present case the petitioner was the person, who was instrumental in striking the deal with Ashok Kumar, and that he was the one, who introduced the complainant with the prime accused Ashok Kumar. It has also been contended by learned counsel for the petitioner that whereabouts of accused No.1 Ashok Kumar are not known, and that the entire fraud has been played by Ashok Kumar in connivance with the petitioner, and therefore, he is not entitled for the benefit of bail.

9. The record has been perused carefully.

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

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of approximately five and half months;
- iii) that the petitioner was not signatory to the second agreement to sell, which took place on 18.09.2024;
- iv) that there is nothing on record to show that any part of money paid by the complainant to the accused No.1 was received by the petitioner;
- v) that nothing has been left to be recovered from the possession of petitioner;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vii) that the trial is not likely to be concluded in near future;
- 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.

11. 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".

12. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation



and Another’ (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”.

13. 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”.

14. 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.

15. If the cumulative effect of all the abovementioned factors,
involved in the instant case, is taken into consideration, it leads to a conclusion
that the petitioner is entitled for the benefit of bail, and that the present petition
deserves to be allowed.

16. 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 concession 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 to disclose 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 the trial Court.

(SURYA PARTAP SINGH)
JUDGE

25.02.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No