



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

239

CRM-M-73783-2025

Date of decision 05.02.2026

GAURAV

.....PETITIONERS

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. This is first petition for bail filed by the petitioner with regard to FIR No.57 dated 12.02.2024 under Section 148, 323, 307, 149, 506 [Section 302 added later on] of Indian Penal Code, Police Station Old Subzi Mandi, District Rohtak. The above-mentioned FIR came into being at the instance of Ajay Dangi, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that in the intervening night of 11/12th February, 2024, when he along his friends Ajay Hooda, Sandeep, Deepak, Sanju, Rahul and Shiv Kumar was present near King Star Hotel, two boys came there on a motorcycle. As per complainant both of them were in drunken state and they entered into a scuffle with the complainant and his friends. According to the complainant, a police rider had arrived on the spot and separated them. As per complainant once the police party left, after one hour a



Kia vehicle came and 5-6 persons were alighted from the above-mentioned vehicle, who were armed with various weapons. According to complainant one of them was carrying a pistol and with an intention to kill, he fired gun shot, which hit Shiv Kumar and Ajay Hooda. According to above-mentioned complainant, the other assailants too inflicted injuries on his person, and that in the above-mentioned incident, the injuries suffered by Ajay Hooda proved to be fatal.

2. It is the case of the prosecution that pursuant to above-mentioned statement, the abovementioned FIR was lodged against the petitioner and he has been duly prosecuted.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, 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 custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case and that he has already suffered prolonged incarceration for being in custody for a period more than one year and eleven and half months. It has also been contended on behalf of petitioner that no weapon has been attributed to the petitioner and as per prosecution case he had inflicted injuries with the help of punches and kicks only. It has also been contended by learned counsel for the petitioner that the trial is taking place at a slow pace as out of 53 only 09 witnesses have been examined, and



that all the material witnesses i.e. injured/eye witness of the complainant, Shiv Kumar and two eye witnesses have already been examined and they have not supported the prosecution case with regard to the identity of petitioner as assailant.

7. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel in the present case there are very specific allegations against the petitioner with regard to involvement in the commission of crime, and that the CCTV footage and recovery of weapon from the possession of petitioner proves his involvement in the commission of crime.

8. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than one year, eleven and half months.
- ii) that the complainant/injured vis-a-vis other eye witnesses have not supported the prosecution case with regard to involvement of petitioner in the commission of crime
- iii) that the trial is taking place at a slow pace as out of 53 only 09 witnesses have been examined so far;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the



witnesses;

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

10. 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".

11. 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”.

12. 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”.

13. Therefore, 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.

14. 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.

15. 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

05.02.2026

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