

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-2122 of 2026

Date of Decision: 24.02.2026

Vijay
... Petitioner(s)
Versus
State of Haryana
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Aakash Dalal, Advocate
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This petition is the first petition for bail, filed by the petitioner under Section 483 of ‘the Bharatiya Nagarik Suraksha Sanhita, 2023’. It has been filed with regard to a case arising out of FIR No. 144 dated 22.05.2025, for the commission of offence punishable under Section(s) 111(2)(a), 111(3), 111(4), 48 and 61[Section(s) 111(2)(a), 48 & 61 of BNS deleted and Section(s) 111(2)(b), 111(6), 238(b) & 61(2) added later on] of ‘the Bharatiya Nyaya Sanhita, 2023’ and Section(s) 25(1-B)(A) [Section 25(6)(7) added later on] of the Arms Act, 1959 Police Station Bahadurgarh, District Jhajjar, Haryana.
2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being at the instance of ‘ASI Dharamvir’ who had reported that on 22.05.2025 when he was leading a team of police officials deputed for patrolling duty at Pakora Chowk, Bahadurgarh-Byepass, a

‘Rohit Godara’ and ‘Virender Charan’, settled in another country, were involving numerous youths of Haryana State in their gang, and that money was being sent to them. According to above said informer, the above said youths were being used by the above named two gangsters for working in their gang, executing threats for extortion of money and commit other crimes. As per above mentioned report, the informer also told that ‘Vijay’ and ‘Ram Dutt’, who were members of the above mentioned gang, were present near the Canal Chowk on Nayagon to Sidhipur road and that were armed with weapons.

3. It is the case of prosecution that in view of above said information, the police party went to the said place and found two persons standing there who, on inquiry, identified themselves as ‘Vijay’ and ‘Ram Dutt’. It is the case of prosecution that when search of the above said persons was carried out, from the possession of each of them one country made pistol and two rounds of cartridges were recovered.

4. As per prosecution in view of above mentioned recovery, formal FIR of this case was lodged and during the course of investigation when the above named accused-‘Vijay’ (petitioner herein) was interrogated he suffered a disclosure statement, wherein he disclosed that on the asking of co-accused ‘Rohit Rathod, who is lodged in jail, ‘Jhanvi Shekhawat alias Janvi’ had transferred the amount in his account. According to prosecution, in view of above mentioned information, the petitioner was arrested on 05.12.2025.

5. Heard.

6. The record has been perused carefully.

7. A careful perusal of record shows that in the present case, the only evidence against the petitioner is that the petitioner had received an amount of ₹98,500/- on 27.07.2025 through CDM Machine in his SBI Bank Account No. 37568073309 and out of the above-mentioned amount, a sum of ₹10,000/- was transferred to to the account of co-accused 'Jhanvi Shekhawat alias Janvi' via UPI and the remaining amount of ₹86,500/- was given to her in cash.

8. Taking into consideration the above mentioned facts and circumstances of the present case, following factors deserve to be taken into consideration:-

- i) that the petitioner is in custody for a period of two months & 15 days;
- ii) that nothing has been recovered from the possession of petitioner;
- iii) that the investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner.
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of petitioner in the judicial lock-up is not likely to serve any purpose;
- vi) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India 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."

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 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.”

11. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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.”

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 the accused as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and

Another' 2024 SCC Online SC 4354.

13. 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 petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. 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 above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

(Surya Partap Singh)
Judge

February 24, 2026
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No