



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

(121+208)

CRM-M-14772-2026 (O&M)

Date of Decision: 23.04.2026

HARVINDER SINGH @ HARWINDER SINGH @ KAKA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)**CRM-15520-2026**

Allowed as prayed for subject to all just exceptions. Annexures
P-7 to P-11 are taken on record.

CRM-M-14772-2026

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.302 dated 06.07.2023 under Sections 147, 148, 216, 307, 323, 325, 341, 354-B and 506 of IPC read with Section 149 of IPC (while Section 25 of Arms Act, 1959 was dropped at the time of framing charge on 28.03.2024), registered at Police Station Sirsa Sadar, District Sirsa.

2. The translated version of the FIR is reproduced below:-

"Statement of xxxx wife of Tarsem Singh, caste Majbi Sikh, resident of village Bhamboor, aged about 45 years, Mobile No. 98123 92850. Stated that, I am residing at the aforementioned address and a household lady. On 05.07.2023 at about 9 O'clock my brother-in-law (Devar) Kripal Singh has gone to bring



grocery items from the Grocery Shop in the village. Mundri son of Devi Lai, Angrej Singh son of Ruldu Ram, Balraj son of Chinder Pal, Tony son of chadta Singh, Jinder son of Miyan, Mammu son of Chinda Singh, Kakka son of Jamail Singh, Mandu son of Kamail Singh, Ranjit son of Jagdish Kamboj and Baljeet son of Hardev Singh all residents of Bhamboor armed with dandas, lathis and sharp edged weapon were already present on the shop of Hanshu. They had come in the car of Ranjit Kamboj. When my brother in-law (Devar) Kripal Singh reached near the shop of Hansu, all of them started abusing him and when my brother-in-law (Devar) started moving back to his house, they obstructed the passage of my brother-lathi, danda and sharp edged weapons. On hearing the noise, I and my son Manohar son of Tarsem Singh went to rescue Kripal Singh then all of them also caused injuries to my son Manohar with danda and sharp edged weapons and gave fist and slaps to me. Mandu son of Karnail Singh was carrying a pistol which was seen by me. When I raised alarm, several people of the village reached at the spot. Deepa son of Kaur Singh also gave slaps to me. All the assailants, on seeing several people of the village reaching at the spot, fled away from the spot alongwith their respective weapons and while going they extended threats to kill us on the next available opportunity. After arranging the conveyance, I along with my family members shifted my brother-in-law (Devar) Kripal Singh and my son Manohar to Govt. Hospital, Sirsa where the doctor, after giving first aid to my brother-in-law (Devar) and my son, issued their MLRS from where they were referred to higher centre. Now my brother-in-law (Devar) Kripal Singh and my son Manohar have been admitted in City Health Care Hospital, Sirsa. Both are unconscious. You have come to the hospital. I have got my statement recorded to you. I have heard it and the same is correct. I have got my statement recorded in the presence of Tejvinder Singh. Action be taken against all of them. RTI xxxx.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a generic and omnibus statement made by the complainant. As per the allegations in the instant FIR, when the complainant's brother-in-law Kirpal Singh had gone to a grocery shop, he was allegedly abused and assaulted by the petitioner and other co-accused, who also caused injuries to the son of the complainant. However, a perusal of the FIR would reveal that the allegations with respect to the specific role of inflicting injuries has been attributed to co-accused, and not to the petitioner. Further, it is submitted that 10 other co-accused persons have already been granted regular bail by this Court on 18.01.2024,



18.04.2024, 10.07.2024 and 23.02.2026. Reliance in this regard has been placed upon the bail orders i.e. Annexure P-2 to P-6. The material witnesses have already been examined in the present FIR. It is further submitted that there is no direct or substantial evidence on record that points towards the complicity of the petitioner, who has already undergone an actual custody of 02 years 06 months and 28 days. There is no other case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years 06 months and 28 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 28.03.2024 and out of total 33 prosecution witnesses, 04 (i.e. the material witnesses) have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a



punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22.From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 28.03.2024. Yet, only 4 out of 33 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 2 years, 6 months and 28 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.



9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date



fixed, unless personal presence is exempted.

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

April 23, 2026

Ishtesh

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*