

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.21530 of 2026 (O&M)

Date of Decision: 24.04.2026

Tarsem Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.11 dated 20.01.2025, for the commission of offence punishable under Sections 118(1), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Police Station Chhachhrauli, District Yamuna Nagar.

2. The abovementioned FIR came into being at the instance of 'Sanjeev Kumar, hereinafter being referred to as 'complainant' only. In the abovementioned complaint, it was stated by the complainant that on 19.01.2025, one of his sons, namely 'Aryan', along with his two friends 'Rakesh' and 'Arun' was going to Village Telipura on motorcycle of 'Arun'. As per complainant on the way near Village Fatehgarh, they consumed liquor, and then proceeded further, and that at about 07:30 pm, when they were near Power House Dadupur Head, 'Aryan' received a call on his mobile phone, and



therefore, he stopped the motorcycle. According to complainant, alighted from the motorcycle, and when he was talking on phone, a boy came there and inflicted an injury on the person of 'Aryan' with a knife. As per complainant, he was followed by another person, who inflicted another injury on the person of 'Arun', and thereafter, both of them fled from the spot.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged, and the investigation taken up. According to prosecution, during the course of investigation, Tarsem Singh (the petitioner herein) and his co-accused were arrested.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Vishal Singh, AAG, Haryana, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

6. Heard.

7. It has been contented on behalf of the petitioner that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year and 03 months, and that in the present case, all the material witnesses have already been examined, who have not supported the prosecution case with regard to involvement of petitioner in the commission of crime.

8. Per contra, the learned State Counsel has argued that allegations



against the petitioner are of serious in nature, and that the trial is progressing at a reasonable pace. According to learned State Counsel, in view of gravity of offence, the petitioner is not entitled for benefit of bail.

9. The record has been perused carefully.

10. 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 petition:-

- i) that the petitioner is already in custody for a period of more than one year and 03 months;
- ii) that the complainant and two eye-witnesses have already been examined, and they have not supported the prosecution case with regard to the fact that fatal injury on the person of 'Aryan' and 'Arun' were inflicted by the petitioner;
- iii) that nothing has been left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that the petitioner has clean antecedents;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any 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; and



- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate 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 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".

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 an undertrial prisoner, as mandated by Hon'ble Apex court in 'Balwinder Singh versus State of Punjab and another' 2024 SCC Online SC 4354.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession 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 benefit 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 from disclosing 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 trial Court.



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

(SURYA PARTAP SINGH)
JUDGE

24.04.2026

Manoj Bhutani

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