



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

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CRM-M-40014-2025
Date of decision: 31.07.2025

Ankush Aneja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.2 dated 09.01.2022 registered under Sections 302, 307, 325, 326, 506, 34 IPC at Police Station Urban Estate, District Patiala.

2. The brief facts of the case which lead to the registration of the FIR are that the statement of Sarvan son of late Om Parkash was recorded to the effect that he was doing the work of scooter repair and had four sisters and brothers. The marriage of his eldest sister Sushma Rani had been solemnized with Dinesh Kumar. His sister had two children, the elder son being Nikhil Gogia and the younger one was a daughter. On account of a family dispute with her husband, his sister and her children were living with him (complainant). On the date of the occurrence he (complainant) had gone to the shop i.e. Koliya Patiala



Grocery Shop. In the meantime, his nephew Nikhil Gogia along with his friend Vivek Deep and Munark Garg came on a motorcycle and stopped at the shop of Happy Cosmetic Shop. In the meantime Ankush Aneja son of Ashok Kumar along with his accomplices Chetan Verma son of Rajesh Verma, Kunal Rajput alias Rishi son of Raj Kumar and Amandeep Khanna (petitioner) came from the other side. Chetan Sharma was carrying a baseball bat and Ankush Aneja immediately picked up scissors from Jaggi Barber and asked his accomplices to catch the complainant party. They attacked Nikhil Gogia and his friends. Chetan Verma gave a baseball blow on Munark Garg who fell down. Then Amandeep Khanna (petitioner) caught hold of Vivek Deep from his neck and Ankush Aneja gave a scissor blow on the back of Vivek Deep. Chetan Verma struck baseball bat blows on his legs. Kunal Rajput alias Rishi caught Nikhil Gogia and Chetan Verma attacked him with a baseball bat. Ankush Aneja gave many blows with a scissor on his (Nikhil Gogia's) thigh. When he fell down, Amandeep Khanna kicked him. When his (complainant's) maternal nephew Nikhil Gogia raised a hue and cry then all the accused fled away from the spot. Thereafter, he along with his family members took Nikhil Gogia along with Monark Garg and Vivek Deep to Rajendra Hospital, Patiala, where Nikhil Gogia was declared dead. The reason for the enmity was that Ankush Aneja and his accomplices were friends of his (complainant's) maternal nephew Nikhul Gogia but subsequently some dispute had arisen between them. Legal action was sought against the accused.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). Admittedly, the petitioner has inflicted a blow by a scissor picked up from the shop and he gave a solitary blow of the same on the thigh of the deceased. Further the complainant has already been examined and during deposition, he has clearly stated that the petitioner and the deceased were friends and there was no previous enmity between them. Prima face the case in hand would fall under Section 304(II) of IPC. Although the petitioner is not involved in any other case, however, he is implicated in one case registered under the Prisons Act.

4. Learned counsel for the petitioner further submits that there are total 24 prosecution witnesses cited in the list of witnesses, out of which, 03 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner was named in the FIR (supra) and a specific injury has been attributed to him, which proved fatal and as such, he is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case except one case registered under the Prisons Act.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind



the bars from the last 03 years, 04 months and 13 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 24 prosecution witnesses, 03 PWs have been examined so far.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:-



Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ankush Aneja is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

12. The present petition seeking regular bail to the petitioner is allowed solely on the ground of long custody already undergone by him and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

31.07.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No