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

**CRA-S-4190-2024 (O&M)
Date of decision : 25.02.2025**

Rajbir

...Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.A. Sheoran, Advocate for the appellant.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-50515-2014

Application for placing on record Annexures A-1 to A-3 is allowed as prayed for, subject to all just exceptions.

Main case

Present appeal has been filed for grant of regular bail in case FIR No.168 dated 05.07.2021, under Sections 302 read with Section 34 of the Indian Penal Code, 1860 and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City, Charkhi-Dadri.

2. Succinctly, FIR in the present case was lodged on the statement of the complainant, namely, Amarjeet. It was alleged that on 28.06.2021, his father Balwan Singh (deceased) left home at 7.00 A.M. for Charkhi Dadri, but he did not return home. On 29.06.2021, he

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received the information that his father was lying dead near Shiv School on the Ghikara Road, Charkhi Dadri. On receiving the information, he rushed to the spot. The matter was reported to the Police. The postmortem was conducted on 29.06.2021. On 05.07.2021, the complainant went to the place of occurrence & checked the CCTV footage of 28.06.2021 from the camera installed in the house of one Devender S/o Fateh Singh. He saw two persons in the CCTV and identified one of them as Rajbir (appellant), though he was not able to identify the second person. The CCTV footage was produced before the Investigating Agency and it was requested to take legal action against the culprits. On registration of the FIR, the investigation commenced. The appellant was arrested on 31.07.2021. The appellant approached the Court of learned Additional Sessions Judge-I, Charkhi Dadri praying for grant of bail, however, after hearing learned counsel for the parties, same was declined vide its order dated 28.10.2024. Aggrieved by the same, the appellant approached this Court praying for grant of bail.

3. Learned counsel for the appellant has vehemently contended that the appellant has been falsely and frivolously implicated in the present case. He submits that from bare reading of the case of the prosecution, it is apparent that it is a case of blind murder as there is no eye-witness to the present case. He submits that only evidence relied upon by the prosecution is the CCTV footage in which the appellant is not even clearly visible. Thus, the stand of the prosecution that the appellant was identified is without any basis. He submits that



besides this, the prosecution has relied upon the disclosure statement of the appellant, which is not even admissible in law. He submits that the appellant is behind the bars since the date of his arrest and thus, has completed incarceration of more than 3 ½ years, but the trial is not concluded. He submits that the appellant is involved in two more cases, however, he has already completed the sentence in those cases. He further submits that in the facts and circumstances of the case, the appellant deserves to be granted bail.

4. Reply by way of affidavit of Mr. Dheeraj Kumar, HPS, Deputy Superintendent of Police, HQ, Charkhi Dadri, already filed is taken on record. Copy thereof has been supplied to the counsel opposite. *Per contra*, Learned State counsel has opposed the submission made by learned counsel for the appellant. He submits that in the CCTV footage, the appellant is clearly visible & thus, he was duly identified. He submits that the ocular version in the present case is medically corroborated as in the disclosure made by the appellant, it was stated that they had killed the deceased by strangulating. This fact is duly corroborated by the medical evidence as the cause of death of the appellant was found to be strangulation. He has submitted that the appellant is involved in two other cases. He further submits that out of 18 prosecution witnesses, only 07 have been examined as on date. He submits that no case for grant of bail to the appellant is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present case is based on the circumstantial evidence. The main evidence relied upon by the



prosecution is the CCTV footage and the disclosure statement of the appellant. The appellant has completed incarceration of about 3 years & 07 months. Although the appellant is involved in two other cases, but he has completed the sentence in those cases. Out of 18 prosecution witnesses, only 07 have been examined till date.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the appellant has involved in 2 other cases, however, the same cannot be a ground for non-consideration of his bail, especially when he has completed the sentence in those cases.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to



be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the appellant succeeds in making out a case for grant of regular bail to the appellant.

9. Accordingly, the present appeal is allowed and the appellant is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.02.2025

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**(RAJESH BHARDWAJ)
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No