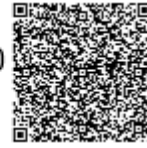


2025:PHHC:084590



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

**CRM-M-50243-2024 (O&M)
Date of Decision: 14.07.2025**

Ashok @ Pardhan

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-40401-2024

Application for exemption is allowed as prayed for.

Main case

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.327 dated 09.06.2016 under Sections 25/54/59 of the Arms Act, 1959 and Sections 120-B/302/34 of IPC, registered at Police Station Faridabad Central, Faridabad.

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of the complainant Prem Chand Amar. It was alleged that he was running his *Mehendi* factory in old Faridabad. One of his sons namely Ankit Amar used to look after the work of Mehendi. On 09.06.2016, he received a call from his wife that his son Ankit Amar has been shot. On hearing the same, he rushed to home and found that after having been shot his son was

shifted to the hospital. From the CCTV installed in front of his house, he came to know that at about 08:10 pm an Innova car was parked outside his house and at about 08:15 pm when his son Ankit Amar got down from his vehicle make Audi, bearing registration No.HR51BG 4039, three motorcycle riders came from behind and they shot his son and after shooting his son, they escaped towards Nehru College. Request was made to take legal action against the culprits. On registration of the FIR, the investigation was commenced. During the investigation, three of the co-accused Deepak, Vijay and Amit were arrested. On the disclosure statement of Vijay, the petitioner was also named as one of the accused in the present case and hence, he was also arrayed as an accused. Resultantly, he was arrested on 26.02.2021. Aggrieved from the same, the petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 10.03.2023. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was named in the FIR nor he has been alleged to have play any role in committing the murder of the deceased. He submits that petitioner has been implicated on the basis of disclosure statement of the co-accused. It is submitted that as per case of the prosecution, co-accused after committing the murder of deceased Ankit, had allegedly given their vehicle to the petitioner and thus, he had been alleged to have an active role in the commission of murder of deceased Ankit. He submits

that from the case of the prosecution, it is evident that the petitioner was not present at the time of the occurrence. He submits that though the petitioner is involved in many other cases, however, in most of the cases, he is on bail. He submits that the petitioner is behind bars in the present case for the last more than 4 years but till date, prosecution has not been able to conclude the trial. He submits that speedy trial is the fundamental right of every accused irrespective of the gravity of the offence, he is involved in. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the complicity of the petitioner has been duly proved during the investigation. He submits that after committing murder of Ankit, the co-accused had handed over the vehicle used in the commission of offence to the petitioner. The car used by the co-accused in the commission of offence is also not recovered till date. However, he submits that petitioner is a habitual offender, who is involved in 14 other cases and in one other case, he has been sentenced for life. On instructions, he submits that out of 49 prosecution witnesses, 07 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case during the interrogation of the co-accused and the role attributed to the petitioner is that co-accused, who allegedly committed the murder of deceased Ankit, had handed over their car used in the commission of offence to the petitioner. Custody certificate produced by the State would show that he has completed 04 years, 04 months and 17 days as on 12.07.2025. It further

reflects that the petitioner is involved in multiple cases and in some of the cases he is on bail. As per law settled, speedy trial to the petitioner despite his involvement in multiple cases cannot be taken away. 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.”

6. 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.

7. The veracity of the allegations and counter 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 petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the

satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

14.07.2025

Parveen kumar

**(RAJESH BHARDWAJ)
JUDGE**

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