



CRM-M-10893-2025

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

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**CRM-M-10893-2025
Decided on : 22.05.2025**

ASHISH ALIAS ASHU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Suvir Sidhu, Advocate,
for the petitioner.

Mr. S.S. Pannu, Addl. AG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Ashish @ Ashu, aged about 25 years	01	02.01.2021	302, 323, 34, 216 of IPC (Sections 148 and 149 of IPC were deleted during investigation and section 216, 34 of IPC added later on)	Sadar Rewari	Rewari

2. Learned counsel for the petitioner contends that petitioner has been in custody since 07.01.2021, amounting to a period of approximately 4 years and 3 months. It is further submitted that after his



arrest in the present case, petitioner was granted interim bail by this Court from 23.11.2024 to 30.11.2024 (Annexure P-5). During this period, petitioner did not misuse the concession of interim bail and duly surrendered before the authorities within the stipulated time.

3. While addressing the arguments on facts, learned counsel for the petitioner submits that FIR was lodged at the instance of Jaswant Singh (father of the deceased), who received information about the incident from the eye-witnesses, namely Suman Devi (mother of the deceased) and Mamta (wife of the deceased). As per the allegations contained in the FIR, accused persons—(1) Pawan, (2) Rohit, (3) Rahul, (4) Nikhil, (5) Sahil, and (6) Ashish, allegedly assaulted the deceased, Amit, using bricks, *lathis*, and *dandas*.

4. It is further submitted that after completion of the investigation, accused Pawan and Nikhil were found to be innocent and were accordingly placed in Column No. 2 of the final report. Counsel contends that case of the petitioner, as well as that of the remaining accused, cannot be distinguished from that of Nikhil and Sahil, as all were assigned a similar role in the commission of the alleged offence.

5. Learned counsel for the petitioner further submits that the material witnesses, namely Suman Devi and Mamta, have already been examined as PW-9 and PW-8, respectively, on 14.05.2025. Although both witnesses have supported the prosecution's case, counsel contends that role attributed to the petitioner in the FIR cannot be subsequently improved upon. However, the final determination of the petitioner's role



remains within the domain of the trial Court and is yet to be adjudicated at the final stage of the proceedings.

6. Primarily, counsel for the petitioner emphasizes that petitioner has been in custody for the period approximately 4 years and 3 months. Out of a total of 22 prosecution witnesses, only 9 have been examined so far, and conclusion of the trial is likely to take considerable time.

7. It is further submitted that petitioner is not an habitual offender or criminal. Apart from the present case, he was involved in only one other matter which was registered under Sections 323, 341, and 506 of the IPC, in which he has already been acquitted. Additionally, counsel points out that no recovery of any weapon has been effected from the petitioner in the present case.

8. Learned counsel for the petitioner further submits that, although not claiming parity, it is relevant to point out that one of the co-accused, against whom charges have been framed under Section 216 of the IPC, has already been granted bail by this Court.

9. In the light of overall submissions, including the prolonged incarceration of the petitioner, the stage of trial, nature of allegations, and absence of any recovery from the petitioner, counsel prays for grant of regular bail to the petitioner in the present case.

10. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 21.05.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.



As per the custody certificate, in the present case, petitioner has already undergone 04 years 04 months and 09 days period inside jail.

11. Learned State counsel, while opposing the prayer for bail and submissions advanced by learned counsel for the petitioner, submits that petitioner is involved in a serious offence of murder, and his case cannot be treated differently from that of the other co-accused for the purpose of considering the present bail plea. However, State counsel is unable to controvert the other factual aspects as submitted by the petitioner's counsel.

12. This Court has considered the submissions advanced by learned counsel for the parties and has examined the record available on file. It is evident that the trial is proceeding at a very slow pace, and for such delay, particularly when the role of the accused is yet to be finally ascertained, liberty of an individual cannot be curtailed indefinitely.

The petitioner has been in custody since 07.01.2021, and delay in conclusion of the trial cannot be attributed to him. Furthermore, the material witnesses have already been examined, and appreciation of their testimony is a matter to be determined by the trial Court at the appropriate stage.

13. In view of the above and considering the petitioner's plea to be genuine at this stage, this Court deems it just and appropriate to grant concession of regular bail to the petitioner.

14. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/

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Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned,
if not required in any other case.

15. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

22.05.2025

Lavisha

Whether Speaking/Reasoned: ✓ **YES/NO**
Whether Reportable: ✓ **YES/NO**