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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CRM-M-42284-2024  
Neetu @ Sita .....Petitioner  
versus  
State of Haryana ..... Respondent
2. CRM-M-10076-2025  
Pawan @ Pona ....Petitioner  
versus  
State of Haryana ....Respondent

Date of decision : 03.04.2025

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rakesh Kumar Lathwal, Advocate (in CRM-M-42284-2024)  
Mr. Sahil Nain, Advocate (in CRM-M-10076-2025)  
for the petitioner(s).

Mr. Kirpal Singh Thakur, AAG, Haryana assisted by  
SI Samunder Singh.

**RAJESH BHARDWAJ, J. (Oral)**

1. By this common order I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR
2. Petitioners have approached this Court by way of filing the present petitions praying for grant of regular bail to them in case FIR No.66 dated 22.03.2018, under Sections 302, 307, 34 (Sections 120-B, 379-B, 216, 109 IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Barauda, District Sonipat (Haryana).
3. Succinctly facts of the case are that on 22.03.2018, the police party was on duty in Girls Senior School, Madina. At about 02:00 PM, he heard the sound of bullet firing. On hearing, ASI Subhash Chander along with SPO Surender went to the playground of the School and saw that one



boy was lying with bullet injuries in his stomach and another boy was shot. Thereafter, he saw 3-4 boys running out of the School and boarding in a white colour car. He identified the number of Car as HR 99 ACG(TP) 4076. On enquiry, he found the name of the deceased as Rajesh son of Jai Singh and the injured person as Sawan son of Rajender. Relatives of Sawan shifted him to the hospital for treatment. The boys present in the school disclosed about the assailants to be Sita (petitioner) son of Sukhbir in CRM-M-42284-2024 and Pawan @ Pona (petitioner) son of Ramphal in CRM-M-10076-2025. It was informed that due to the old enmity, they had fired upon Rajesh and killed him and with intention to kill Sawan, they fired upon him as well. On registration of the FIR, investigation commenced. During investigation, petitioner-Pawan @ Pona was arrested on 04.12.2018 whereas, petitioner Neetu @ Sita was arrested on 17.12.2018. On conclusion of the investigation, challan was presented and on framing of the charges, trial commenced. Petitioners approached the Court of learned Additional Sessions Judge, Sonapat praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge, declined the same vide orders dated 16.01.2023 and 10.07.2024 respectively. Thereafter, petitioners namely, Neetu @ Sita and Pawan @ Pona earlier approached this Court by way of filing CRM-M-32496-2023 and CRM-M-2035-2024 praying for grant of bail. However, the same were allowed to be dismissed as withdrawn vide orders dated 29.09.2023 and 22.04.2024 respectively. Hence, petitioners are before this Court by way of filing the present second petition.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present cases. It has been submitted that the FIR in the present cases has been registered on the statement of ASI Subhash Chander who was said to be on duty at the time of



occurrence. The alleged identification of the petitioners is totally on hearsay evidence. It is submitted that uncle of the deceased Rajesh namely, Dhanraj was examined as PW-1 and he has not supported the case of the prosecution and thus, was declared hostile. To buttress their arguments, learned counsel for the petitioners have submitted that the injured witness Sawan was examined as PW-9 and he has also deposed in his examination-in-chief that he and deceased Rajesh were sitting in the ground and at that time, some unknown person came and fired gun shots upon him and Rajesh. He has also deposed that he could not see the face of the assailant at the spot. It is submitted that the prosecution even during cross-examination nothing material could be elicited from him. Thus, it has been submitted that the prosecution is armed with no credible evidence against the petitioners except saying that they are involved in multiple cases. It is submitted that the petitioners are behind bars from the last more than 06 years but till date, the prosecution has not been able to conclude the trial.

5. Learned counsel for petitioner-Neetu @ Sita has submitted that though the petitioner is involved in multiple cases, however, in some cases, he has been acquitted and in some cases, he is on bail.

6. Similarly, learned counsel for petitioner-Pawan @ Pona submits that petitioner is also involved in 14 other cases however, in some cases, he has been acquitted and in rest of the cases, he is on bail.

7. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He submits that the petitioners are the habitual offenders. It is submitted that the occurrence in the present case has taken place in broad daylight where the petitioners had fired upon the deceased-Rajesh and injured the friend of the deceased Sawan. He submits during investigation, 02 pistols of 32 bore each were recovered from



both the petitioners. He submits that the identification of the petitioners were also established. It is submitted that out of total 54 prosecution witnesses, 23 witnesses have been examined. He has placed on record the custody certificate of the petitioners. He thus, submits that the petitioners do not deserve the concession of regular bail.

8. After hearing counsel for the parties and perusing the record, it is inferred that the petitioners are behind bars since the date of their arrest. The material witnesses have already been examined. The injured witness-Sawan who has been examined, has not supported the case of the prosecution. One more witness i.e. uncle of the deceased has also submitted that the firing was done by some unknown persons. Custody certificates of the petitioners would reflect that petitioner-Neetu @ Sita has completed incarceration of 06 years 03 months and 15 days and petitioner-Pawan @ Pona has completed incarceration of 06 years 03 months and 29 days. Though the petitioners are involved in other cases, however, in some cases, they are on bail and in some cases, they have been acquitted. Needless to say that custody of the petitioners is more than 06 years but till date, prosecution has not been able to examine even half of the witnesses cited in the challan. Simply because the petitioners are involved in other cases cannot be a ground to justify such a long incarceration as every accused has a fundamental right of speedy trial.

9. 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.”

10. 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.

11. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12. Photocopy of this order be placed on the file of connected case.

03.04.2025  
*m.sharma*

( **RAJESH BHARDWAJ** )  
**JUDGE**

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