



CRM-M-49454-2025

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**113+238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-49454-2025 (O&M)
Date of decision : 13.10.2025****Sandeep****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****Present :- Mr. Satyawan Singh Nain, Advocate and
Ms. Tanya Vashist, Advocate for the petitioner.****Ms. Diya Sodhi, Sr. D.A.G., Haryana.****RAJESH BHARDWAJ, J. (Oral)****CRM-39451 & 39452-2025****Allowed as prayed for.****Main case**

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.220 dated 03.07.2022, under Sections 302, 323, 506, 148 and 149 of IPC, registered at Police Station Bawal, District Rewari.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Jile Singh. It was alleged that on 01.07.2022, at about 8:30 pm when he was returning to his house, he found some boys sitting on the platform of the Chaupal who were laughing in a loud voice. Then Dharamvir told them to go to their respective houses and not to create any commotion, however, they got infuriated and called their companions. All of them attacked the complainant with bricks stones etc. in which complainant and Chajju Singh S/o Umrav Singh suffered injuries. They were shifted to hospital. However, Chajju Singh succumbed to the injuries on the next day of the



incident. Thus, request was made to take legal action against the culprits. On registration of FIR, investigation commenced. The petitioner was arrested on 06.01.2023. The petitioner approached the learned trial Court, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 05.08.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has contended that though the petitioner is named in the FIR, however, there is no specific role attributed to the petitioner. It is submitted that as per the allegations made, the occurrence had taken place on the spur of the moment and no lethal weapons used in the alleged offence. As per the case of the prosecution, the injuries were only with the bricks and stones etc. He thus, submits that the offence under Section 302 IPC is not even made out. To buttress his arguments, he submits that the prosecution has cited 08 eye-witnesses out 38 prosecution witnesses and all these 08 eye-witnesses have been examined and they have not supported the case of the prosecution. He thus, submits that the petitioner has never been involved in any other case of similar nature and thus, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner along with co-accused has been specifically named in the FIR being not only part of unlawful assembly but they also played an active role. He submits that in all there are 05 accused and all are in custody. She submits that though the eye-witnesses have been declared hostile, however, the complete testimonies of the hostile witnesses cannot be discarded and the part of the same which is consistent with the



prosecution case can always be relied upon. She, on instructions, submits that out of total 38 prosecution witnesses, only 09 witnesses have been examined. She has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 01.07.2022, whereas Chajju was succumbed to the injuries on the next day. Primarily, the injuries have been caused by the bricks and stones. All the eye-witnesses, as submitted before this Court, have not supported the case of the prosecution. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 09 months and 04 days as on 09.10.2025. It further reflects that the petitioner was involved in one more case, however, he has already undergone the sentence in that case.

6. 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.

7. 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.”



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8. 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.

9. 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 petitioner succeeds in making out a case for grant of regular bail to the petitioner. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.10.2025

*ps-I***(RAJESH BHARDWAJ)
JUDGE**

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