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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-18124-2025

Date of decision : 27.08.2025

Amit

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Deswal, Advocate  
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

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

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.225 dated 14.07.2019, under Sections 302, 307, 201 & 34 of IPC and under Sections 25 and 27 of Arms Act, registered at Police Station Assauda, District Jhajjar.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Dalbir S/o Azad Singh. It was alleged that on 14.07.2019, at around 8:30 pm, when he was walking in front of his house, his brother Karambir (deceased) and one of their villager, Mohit, were standing in front of their house and were talking with Amit (petitioner) and Bholu. Suddenly, they started abusing each other and in the meanwhile, Gaganjeet @ Nanha, Lalit, Birendra Pal and Om Kanwar came out of their house and they dragged Karambir and Mohit inside their house. He reached near the gate outside Gagandeep's house and saw that Amit shot his brother Karambir and Mohit, with the pistol he was holding. Out of fear, he ran away from the spot and thereafter, he saw his brother lying on cot and he could not find Mohit



there. They shifted Karambir to Government Hospital, Bahadurgarh, however, he was declared dead. It was prayed that Amit, Gaganjeet @ Nanha, Bholu, Lalit, Birendra Pal and Om Kanwar @ Oumal, due to the enmity had killed his brother Karambir and thus, legal action be taken against them. On registration of FIR, investigation commenced. The petitioner was arrested on 18.07.2019. He approached the Learned Additional Sessions Judge, Jhajjar, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Jhajjar vide order dated 11.12.2023. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-33065-2020, CRM-M-39571-2020, CRM-M-55522-2023 and CRM-M-11143-2024, which were declined vide orders dated 27.10.2020, 07.12.2020, 14.11.2023 and 07.03.2024, respectively. Hence, petitioner is before this Court praying for grant of bail by way of filing of present fifth petition.

3. Learned counsel for the petitioner has submitted that inadvertently in the head note of the petition, the present petition has been mentioned as 'First' petition, whereas, the present one is the 'Fifth' petition filed by the petitioner for grant of regular bail. However, the same being a typographical error, be rectified.

4. In view of the oral request of counsel for the petitioner, the present petition be read as 'Fifth' petition filed by the petitioner for grant of regular bail.

5. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the complainant is none other than the brother of the deceased, however, he has been planted an eye-witness. He submits that it



is the case of prosecution that deceased-Karambir was shot in front of him, however, he has deposed that on seeing, he ran away from the place of occurrence. The conduct of the complainant in itself shows that he was not present at the time of occurrence. He submits that in all there were 06 accused, however, during investigation, 04 accused were declared innocent and challan was presented against the petitioner and one Rinku @ Bholu and Rinku @ Bholu has already been granted bail by the learned trial Court. To buttress his arguments, counsel for the petitioner has submitted that the custody of the petitioner is more than 06 years, which in itself shows that his fundamental right of speedy trial has been miserably defeated. Till date, the trial is in progress. He submits that taking into consideration the custody period alone, he deserves to be granted bail.

6. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that case of the prosecution is based on the eye-witness account where the brother of the complainant has been shot by the petitioner. She submits that the ocular version of the case is medically corroborated as 03 bullets were recovered from the body of the deceased. On instructions, she submits that out of 26 prosecution witnesses, 17 witnesses have been examined so far. She has produced on record the custody certificate of the petitioner.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 18.07.2019. As submitted before this Court, out of total 26 prosecution witnesses, 17 witnesses have been examined which includes the material witnesses of the prosecution witness. The custody certificate produced would show that the petitioner has completed an incarceration of 06 years,



01 months and 10 days as on 27.08.2025. It further reveals that the petitioner has no criminal antecedents. The incarceration suffered by the petitioner in itself shows that he deserves to be granted bail. Till date the prosecution has not been able to conclude the trial. The Court cannot ignore the fact that irrespective of the merits of the case, the petitioner has the fundamental right of speedy trial.

8. 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.

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. This Court would refrain itself from commenting anything on the merits of the case. 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.

27.08.2025

*ps-I*

( **RAJESH BHARDWAJ** )

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No