



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

CRM-M-6888-2025

Date of decision : 03.11.2025

Sonu

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.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.44 dated 02.02.2022, under Section 302, 120-B, 201 & 34 of IPC and Section 25 of Arms Act, registered at Police Station Uchana, District Jind.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Amarjit. It was alleged that on 02.02.2022 at about 11:00 am, he and his cousin Sombir on the Sombir's motorcycle were going to the barber shop. In the meantime, Sombir received a phone call and he stopped the motorcycle to take the phone call then three young boys came from the mandi side on a Splendor motorcycle. Those three boys were Sonu, Monu and Sachin. Sachin fired at Sombir with his pistol which hit in the chest of Sombir. On receiving the bullet injury, he fell down. It was alleged that all these three boys had earlier fought with Sombir and thus, in order to take revenge, they killed Sombir. The request was made to take the legal action against the culprits.

On registration of FIR, investigation commenced. During investigation,



the petitioner was arrested on 22.02.2022. He approached the learned Additional Sessions Judge, Jind, 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 29.02.2024. Aggrieved by the same, petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner was alleged to be with the co-accused, however, the allegations regarding the firing are against co-accused Sachin. To buttress his arguments, he submits that co-accused, Sachin, has already been granted regular bail by this Court vide order dated 26.05.2023 passed in CRM-M-20040-2023 He submits that the petitioner is behind bars from last more than 3 ½ years. It is submitted that the petitioner has never been involved in any other case of similar nature, however, he has been prosecuted in 02 others cases, out of which, in one case he has already been released on bail. He submits that the case of the petitioner is on better footing with that of co-accused Sachin, who has already been granted bail. He submits that the prosecution has not been able to conclude the trial till date and thus, his fundamental right of speedy trial is defeated. He thus, submits that in the overall facts and circumstances of the present case, petitioner 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 was specifically named in the FIR who had played an active role. He submits that during investigation, it was found that the petitioner and co-accused Rohit had fired at the deceased. It is submitted that out of



total 28 prosecution witnesses, 16 witnesses including the complainant who has supported the case of the prosecution, have been examined. He has endorsed the fact that co-accused, Sachin has already been granted bail by this Court vide order dated 26.05.2023. He 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 petitioner was alleged to be the accused along with co-accused at the time of alleged incident. Though in the FIR, the petitioner was not alleged to have fired at the deceased, however, during investigation it was found by the prosecution that he had fired. Admittedly, co-accused, Sachin has already been granted bail by this Court vide order dated 26.05.2023. The custody certificate produced would show that the petitioner has suffered an incarceration of 03 years, 08 month and 02 days as on 29.10.2025. It further reflects that though the petitioner is prosecuted in two other cases, however, in one of them he is on bail.

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.”

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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeed in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and 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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

03.11.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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