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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8104-2025
Date of decision : 27.10.2025

Bharat Kumar @ Bharat Kumar @ Monu

....Petitioner

versus

State of Haryana **.... Respondent**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kamal Deep Sehra, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed by the petitioner praying for grant of regular bail in case FIR No.468 dated 15.09.2020, under Sections 346, 364, 302, 420, 201, 34, 419, 467, 471 and 120-B of IPC, registered at Police Station Surajkund, Faridabad.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Ravinder Singh. It was alleged that the mobile phone of his brother-in-law Gurbachan Singh Sarna was switch off from so many days. He went to his house to check him but the door was locked. He enquired from the neighbourers and was told that his brother-in-law left his home 20-25 days ago in a car bearing No.DL-3-CC-6104 and thereafter, he has not been seen. Request was made to trace him out. On registration of FIR, investigation commenced. During investigation, the investigating agencies found that Gurbachan Singh Sarna was eliminated by the petitioner and the co-accused and thus, the petitioner

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was arrested on 16.11.2020. The petitioner approached the learned Additional Sessions Judge, Faridabad, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Faridabad vide order dated 24.05.2021. Aggrieved by the same, the petitioner approached this Court twice by way of filing of CRM-M-35528-2021 and CRM-M-41104-2024, however, the same were declined by this Court vide orders dated 19.09.2022 and 27.11.2024, respectively. Hence, the petitioner is before this Court praying for grant of bail by way of filing of present third petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the case of the prosecution as is evident is totally based on the circumstantial evidence. It is submitted that the evidence regarding extra judicial confession and the last seen, cannot be relied upon. He submits that the alleged extra judicial confession is before one Dev Bhardwaj who was examined as PW-3, however, Dev Bhardwaj was the friend of the deceased and has no relationship with the petitioner and thus, there was no occasion for the petitioner to have made any extra judicial confession before this witness. He submits that the security guards, namely, Guddu Kumar and Istikhar Khan have been examined by the prosecution but both of them have not supported the case of the prosecution and thus, have been declared hostile. He submits that similarly situated co-accused i.e. Deepak Kumar and Rahul Lakheda have already been granted bail by this Court vide orders dated 31.05.2024 and 05.07.2024, respectively. He submits that as per the settled proposition of law, in a case based on the circumstantial evidence, the prosecution is

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bound to prove the chain of evidences which is totally incomplete in the present case. He submits that the petitioner is behind bars from last about 05 years but till date the prosecution has not been able to complete the trial. To buttress his arguments, he further submits that the petitioner has no criminal antecedents. He thus submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is the master mind of the whole occurrence. He submits that petitioner was the servant of the deceased and thus, he had the complete information regarding the life of the deceased. He submits that it is the petitioner who in conspiracy with co-accused had eliminated the deceased. He submits that he had made an extra judicial confession on 06.11.2020 before one Dev Bhardwaj who has been examined as PW-3 and he has supported the case of the prosecution. He further submits that PW-6 Ravinder Singh had also supported the case of the prosecution. He has submitted that dead body of the deceased could not be recovered in the present case. He, on instructions, has submitted that out of total 30 prosecution witnesses only 10 witnesses have been examined. He submits that out of total 05 accused, rest 04 accused are on bail. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered the case of the prosecution is based on the circumstantial evidence. The evidence against the petitioner is the extra judicial confession recorded before PW-3 Dev Bhardwaj. The dead body of the deceased, admittedly could not be recovered. The perusal of the custody

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certificate of the petitioner would show his custody to be 04 years, 11 months and 06 days as on 26.10.2025. It further reflects that he has no criminal antecedents. As submitted, out of total 30 prosecution witnesses, 10 witnesses have been examined. Needless to say that every accused has the fundamental right of speedy trial.

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. 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 petitioner is ordered to be released on bail

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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.

27.10.2025 **(RAJESH BHARDWAJ)**
ps-I **JUDGE**

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

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