



CRM-M-10602-2025

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

CRM-M-10602-2025

Date of decision : 03.03.2025

Deepak

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJPresent :- Mr. T.S. Attariwala, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.275 dated 20.05.2018, under Sections 307, 323, 324, 302 read with Section 34 of IPC, registered at Police Station City Fatehabad, District Fatehabad.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of Paramjeet Kaur wife of Kamlesh Kumar. It was alleged that her daughter Bimla was married 6/7 years ago with Chhotiya @ Vicky. She along with her two sons Kala @ Ravinder and Hanny @ Salinder came to Fatehabad about 5/6 days ago to meet her daughter. On 19.05.2018 after meeting her daughter, she went back to Budhlada and her two sons stayed back. Thereafter, on 20.05.2018, she came to know that both her sons Kala @ Ravinder and Hanny @ Salinder gone to meet their friends near Mata Mandir in Kabir Basti and they had quarreled with Deepak S/o Om Prakash (petitioner) and Vishal @ Tunda. Deepak, Vishal and two others attacked her sons with knives with intention to kill them. Her sons Kala @ Ravinder got injuries in the stomach and Hanny @ Salinder suffered injuries on the back and legs. Later on her sons was admitted in Government Hospital Fatehabad and was referred to Medical



College Agroha. On reaching the Hospital, she found the condition of both the sons was serious. The request was made to take the legal action against the culprits. On registration of the FIR, investigation commenced. The petitioner was arrested in this case on 15.07.2018. Thereafter, he approached the Learned Additional Sessions Judge, Fatehabad praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Fatehabad vide order dated 14.11.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the FIR in the present case was registered at the behest of the complainant who is not an eye-witness rather her allegations are hearsay. He submits that as per the case of the prosecution, the injured eye-witness in the present case is the brother of deceased, namely, Ravinder. It is submitted that Ravinder has been examined by the trial Court as PW-4 and during his examination, he has deposed in specific terms that it was the co-accused, namely, Vishal @ Tunda, who had caused stabbed injuries to him and to his deceased brother, namely, Hanny. He further deposed before the trial Court that he could identify co-accused, Vishal @ Tunda, whereas he denied to identify Deepak i.e. petitioner. He thus, submits that the injured eye-witness, who is none other than the brother of the deceased has neither attributed any injury to the petitioner nor identified him. It is submitted that the co-accused, Vishal @ Tunda, is already on bail granted by this Court vide order dated 27.04.2023 passed in CRM-M-43308-2021. He submits that the petitioner is falsely implicated in 17 more cases and it is because of this reason only, the petitioner is behind bars in this case from last more than 06 years. He submits that the speedy trial is the fundamental right of every accused and



the prosecution has miserably failed in defeating the same. He submits that till date the prosecution has not been able to conclude the trial. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

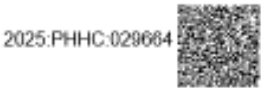
4. Learned State counsel, on instructions from ASI Harpal, has vehemently opposed the submissions made by the counsel for the petitioner. He submits that the petitioner is a habitual offender who is facing 17 more cases and out of them, is convicted in 08 cases. He submits that out of 22 prosecution witnesses, 09 witnesses have been examined so far. However, he does not deny the fact that the co-accused is already on bail and the injured eye-witness has been declared hostile qua the petitioner.

5. Heard.

6. Needless to say that the petitioner is behind bars since 15.07.2018. Though it is a fact that petitioner is facing prosecution in 17 more cases but the same cannot be a ground to deny bail to him if the case is otherwise made out on the merits of the case in hand. The petitioner has completed an incarceration of more than 06 years but till date, as submitted by State counsel, out of 22 prosecution witnesses only 09 witnesses have been examined so far. The co-accused, to whom the injuries have been attributed by the eye-witness, has already been granted bail by this Court vide order dated 27.04.2023. In the facts and circumstances of the present case, this Court finds no reason to deny the bail to the petitioner simply on the ground that he is involved in 17 more cases and speedy trial is the fundamental right of every accused.

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 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 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. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

03.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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