



228+246 (2 cases)

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

CRM-M No.19861 of 2024

Kundan

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M No.34102 of 2025

Babban

..... Petitioner

versus

State of Haryana

..... Respondent

Date of Decision: 04.08.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Charan Jit Sharma, Advocate
for the petitioner in CRM-M-19861-2024.

Mr. Balraj Gujjar, Advocate
for the petitioner in CRM-M-34102-2025.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Ashish Jhamb, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.284, dated 06.06.2022, under Section 346 of IPC (Sections 364, 302, 201, 120-B, 34 of IPC added later on), registered at Police Station City Ballabgarh,



District Faridabad.

3. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Reena Devi. It was alleged that her husband, namely, Vinod Sharma (deceased) left home on 05.06.2022 at about 07:30 P.M. on his motorcycle but he did not return. Despite making their best efforts, he could not traced out, hence the request was made to trace him. The FIR in the present case under Section 346 IPC was registered (offences under Sections 364, 302, 201, 120-B, 34 IPC added later on during investigation). On registration of the FIR, the investigation commenced. During the investigation, dead body of the deceased was recovered on 09.06.2022. Thus the offence under Section 302 IPC was added. During the investigation, complicity of the petitioners, namely, Kundan (in CRM-M-19861-2024 and Babban (in CRM-M-34102-2025) were surfaced and thus, they were arrayed as an accused in the present case. Resultantly, both were arrested on 09.06.2022. The petitioners approached the Court of learned Additional Sessions Judge, Faridabad praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Faridabad declined the bail petitions filed by the petitioners vide orders dated 13.03.2024 & 01.05.2024, respectively. Being aggrieved, the petitioner, namely, Babban, earlier approached this Court by way of filing CRM-M-322-2023 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 28.11.2023. Hence being aggrieved, the petitioners are before this Court by way of filing the present first & second petitions praying for the grant of regular bail.



4. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated in the present case. They have submitted that the case is based on circumstantial evidences, however there is no authentic evidence against the petitioners collected by the prosecution for proving their complicity. They have submitted that the petitioners have no criminal antecedents and they are behind bars since the date of their arrest, i.e. 09.06.2022. They have submitted that despite having completed incarceration of more than 03 years, the prosecution has not been able to conclude the trial. Thus they have submitted that the investigating agencies do not complete the chain of the evidences and hence, in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioners. He has submitted that the petitioners had a motive and the recovery of motorcycle of the deceased has also been effected from the petitioners. He has submitted that both the petitions deserve to be dismissed.

6. Status report dated 01.08.2025 in CRM-M-34102-2025 by way of an affidavit of Jitesh Kumar, HPS, Assistant Commissioner of Police, Ballabgarh, Faridabad on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

7. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsels for the petitioners. He has



submitted that call details of the petitioners and that of the deceased were verified and this is one of the main circumstance found against the petitioners. He has submitted that besides this, the recovery of motorcycle of the deceased has also been effected from the petitioners. He has submitted that in all there are 04 accused, out of them, one died during the investigation and another is proclaimed offender. He has submitted that presently the petitioners are behind bars since the date of their arrest, i.e. 09.06.2022. He, on instructions, has submitted that out of 26 prosecution witnesses, 13 witnesses have been examined. He has placed on record custody certificate of the petitioners.

8. Heard.

9. After hearing learned counsel for the parties and perusing the record, it is deciphered that the case of prosecution is based on circumstantial evidences. Primarily the evidences collected against the petitioners, i.e. the call details of the deceased and that of the petitioners. Besides this, there is a recovery of motor cycle. Custody certificate of the petitioner, namely, Kundan produced would show that he has completed incarceration of 03 years, 01 month and 23 days and the petitioner, namely, Babban has completed incarceration of 03 years and 01 month as on 01.08.2025. Custody certificates further show that the petitioners have no criminal antecedents. Out of 26 prosecution witnesses, 13 witnesses have been examined. Every accused has a fundamental right of speedy trial.

10. 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.”

11. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

12. 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 counsels for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners, namely, Kundan and Babban are ordered to be released on bail on their 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.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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