



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

**CRM-M No.20383 of 2025
Date of decision: 14.05.2025**

Amerika Rajbar @ America Rajbar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.174, dated 23.09.2019, under Sections 302, 34 of IPC, 1860, registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Dargesh Rai. It was alleged that on 23.09.2019, his father, namely, Bindu Prasad left home at about 10:30 A.M. Thereafter at about 12:30 P.M., owner of the factory, namely, Jagjit Singh, informed telephonically that his father has suffered injuries in the factory. On hearing the same, the complainant reached the factory and saw his father Bindu Prasad was murdered by unknown persons with stone. On registration of the FIR, the investigation



commenced. During the investigation, complicity of the petitioner surfaced and thus he was arrested on 26.09.2019. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Ludhiana declined the petition filed by the petitioner vide order dated 04.09.2020. Thereafter the petitioner earlier approached this Court two times praying for the grant of bail by way of filing CRM-M-40730-2020 and CRM-M-38931-2023, however the same were allowed to be dismissed as withdrawn vide orders dated 17.08.2021 and 31.08.2023, respectively. Hence being aggrieved, the petitioner is before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been arrayed as an accused in the present case only on the basis of suspicion. He has submitted that case of the prosecution as evident is totally based on circumstantial evidences. He has submitted that the petitioner alleged the motive that son of the deceased used to call his wife and hence he has murdered Bindu Prasad. He has submitted that the same is totally unbelievable as when the motive is alleged against the son of the deceased, there was no reason that the petitioner would kill father of the complainant. He has submitted that another evidence produced against the petitioner is his extra judicial confession before Jagjit Singh, who is the owner of factory. He has submitted that the petitioner has no proximity with the owner of factory and there was no reason for making any extra judicial confession before him. He has submitted that case of the prosecution is virtually without any evidence against the petitioner and he



is suffering incarceration from last more than 5½ years. He has submitted that till date, the prosecution has not been able to conclude the trial. He has submitted that fundamental right of speedy trial of the petitioner is miserably defeated and thus, he deserves to be granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that there was a strong motive of the petitioner to murder Bindu Prasad. He has submitted that the petitioner has made extra judicial confession before Jagjit Singh. He has submitted that only 05 witnesses remains to be examined. He has produced custody certificate of the petitioner dated 13.05.2025 today in the Court and the same is taken on record. He has submitted that no case is made out for grant of bail to the petitioner and thus the present petition deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is inferred that case of the prosecution is based on circumstantial evidences. The evidence collected against the petitioner is extra judicial confession allegedly made by the petitioner and the motive. As submitted before this Court, 05 witnesses still remains to be examined. Custody certificate shows that the petitioner has suffered incarceration of 05 years, 07 months and 14 days as on 13.05.2025. It further reflects that the petitioner is not involved in any other case. Needless to say that every accused has a fundamental right of speedy trial.

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 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.
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 succeeds in making out a case for the grant of bail. 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. However, 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 this case.

14.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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