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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27315-2025
Date of decision :03.11.2025

Sandeep

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Nehra, Senior Advocate with
Mr. Sourabh Bhoria, Advocate,
Ms. Bindu Tanwar, Advocate,
Mr. Chirag Kundu, Advocate and
Ms. Harmanpreet Kaur, Advocate for the petitioner.

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

Mr. Ravinder Hooda, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.268 dated 28.09.2020, under Sections 302, 120-B & 34 of IPC and Section 25 Arms Act (Later Section 120-B & 34 IPC were deleted during investigation), registered at Police Station Lakhan Majra, Rohtak.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Manjeet S/o Ranbir. It was alleged that his sister Rajesh Kumari was married with Sandeep (petitioner). They were blessed with a son aged 07 years and a daughter who is aged 8 ½ years. They had a matrimonial dispute and the same is pending in the Court since 2017. The in-laws of her sister had came to their house to take their grandson with them, however, the complainant's family refused for

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the same and hence her in-laws threatened them with dire consequences. On 28.09.2020 at about 7:30 am, he, his sisters, namely, Rajesh Kumari and Pooja and his father Ranbir were cleaning the house, in the meantime, a white Duster car came in the street out of which two boys came out and one of those boys shot directly on the forehead of his father. It was further alleged that the car had black tainted windows. His sisters Rajesh Kumari and Pooja raised alarm. On hearing the same, both the assailants escaped in the car. The police was informed. The complainant suspected Tejbir, Nidan Singh, Sandeep, Balbir, Ravi, Pawan and his wife Babli were involved in killing his father. The request was made to take the legal action against the accused. On registration of FIR, investigation commenced. During investigation, the supplementary statement of complainant was recorded, wherein he named the petitioner to be the assailant of his father. The petitioner was arrested on 09.10.2020. He approached the Learned Sessions Judge, Rohtak, 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 05.05.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned Senior counsel for the petitioner has contended that the petitioner has been implicated in the present case on the basis of presumptions and assumptions. It is submitted that author of the FIR is none other than the brother-in-law of the petitioner. As per the allegations his wife was also present at the time of occurrence, however, the petitioner was not named in the FIR and the allegations were made against 02 unknown boys. He submits that in a due deliberated manner, the supplementary statement of the complainant was recorded, wherein the

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petitioner was nominated in the present FIR. He submits that the case of the prosecution itself becomes doubtful as the wife of the petitioner was allegedly present at the time of occurrence, hence, there was no reason to not identify the petitioner if he was the assailant on the date of occurrence. To buttress his arguments, he submits that admittedly the case of the prosecution was to the effect that there were more than 01 accused at the time of occurrence, however, challan has been filed only against the petitioner and now there is only 01 accused in the prosecution case which itself creates a serious doubt on the case of the prosecution. He submits that all the material witnesses examined and there is no probability that the petitioner can tamper with the prosecution witnesses. He submits that the petitioner is behind bars from last more than 05 years, however, the trial is not concluded till date and hence, his fundamental right of speedy trial is also miserably defeated. He thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made on behalf of the petitioner and has submitted that the petitioner is the son-in-law of the deceased and he has a strong motive to eliminate his father-in-law. He submits that the petitioner was serving in Delhi Police, who in a pre meditated manner had eliminated his father-in-law. During investigation, his identity had been duly established.

5. Per contra, learned State counsel equally opposed the submissions made by counsel for the petitioner and submits that the petitioner in order to take revenge had committed the murder of father of the complainant. He submits that the petitioner came in his own car. During investigation, the car was found to be owned by the petitioner. He

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submits that on the date of occurrence, one more FIR was registered against the petitioner i.e. FIR No.444 dated 28.09.2020 under Sections 307, 337 of IPC and Section 25 of Arms Act, at Police Station Alipur Outer North Delhi. He submits that his identity was also duly established during investigation. The prosecution witnesses have been examined and they have duly supported the case of the prosecution. He, on instructions from ASI Nav Rattan, has submitted that out of total 26 prosecution witnesses, 16 witnesses have been examined. He has produced on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 09.10.2020. The supplementary statement of the complainant was recorded, wherein the petitioner was named. As submitted before this Court, all the material witnesses have been examined and 10 prosecution witnesses still remains to be examined. The custody certificate produced would show that the petitioner has suffered an incarceration of 05 years and 20 days as on 01.11.2025. Needless to say that every accused has a fundamental right of speedy trial.

7. 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.

8. 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*

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> *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."*

9. 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.

10. 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.

11. 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 **(RAJESH BHARDWAJ)**
ps-I **JUDGE**

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

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