



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28074 of 2025

Date of Decision: 19.11.2025

Ashwani Kumar

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.120 dated 14.08.2023 registered under Sections 302 IPC, at Police Station Focal Point, Ludhiana.

2. Brief facts of the present case are that as per case of the prosecution, the petitioner along with co-accused rammed their Trola against the motorcycle of Gaurav Soni and when he fell down, the co-accused again ran over the said Trola upon him, because of which he died. Hence, the present FIR was registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that no specific role has been attributed to the petitioner as he was not driving the Trola. He further argued that the FIR is merely a hearsay version. He

further submits that apart from bald allegation that petitioner had previous



enmity with the deceased, no cogent evidence is there. He further submits that the petitioner is in custody since 14.08.2023. After investigation, challan has been presented; charges have been framed; Out of 14 prosecution witnesses only 1 has been examined so far; and as such conclusion of trial will take long time. He further submits that the petitioner has clean antecedents and he prays that the present petition be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature. He further submits that before the fateful incident, the petitioner along with co-accused had manhandled the deceased and thus played an active role in the occurrence. However, he could not controvert the fact that the petitioner is first time offender as he is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that the petitioner is in custody for the last more than 02 years and 03 months; out of 14 prosecution witnesses, only 1 has been examined; as such trial is proceeding at snail's pace and will take a long time to conclude. No useful purpose would be served by detaining him in further custody.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal,



revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.*

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

10. The present petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

19.11.2025
D.Bansal..

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