



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31318-2025

Vansh

....Petitioner

versus

State of Punjab

.... Respondent

CRM-M-52498-2025

Rohit @ Bhim

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 29.10.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gaurav Kalsi, Advocate and
Mr. Rohit Sharma, Advocate
for the petitioner(s).

Mr. Raj Karan Singh, AAG, Punjab.

Mr. Vishal Munjal, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present third petitions praying for grant of regular bail to them in case FIR No.23 dated 06.03.2022, under Sections 302, 341, 34, 148, 149, 379 of IPC (later on offence under Section 34 of IPC was replaced with offence under Section 120-B and offence under Section 404 IPC added), registered at Police Station Division No.I, Pathankot District Pathankot.
3. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant-Kishan Chand. It was alleged

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that his son, Rahul Kumar, was of 28 years of age. On 05.03.2022, his son went in his Swift Car to his work and as he did not return home by 11:30 PM, hence, he came out on the street to search him. When he reached near the shop of Tony, his son's car was found parked on the road. His son was standing with Deepak Kumar @ Tatu. He saw Gurdeep Singh @ Kaka armed with gandasi and he attacked his son by giving a gandasi blow on his son's head. On receiving the gandasi blow, his son fell down. In the meantime, his nephew Hamesh Kumar @ Sanku also came to the spot. They both raised alarm. On hearing the same, the accused persons escaped from the scene of occurrence. Complainant alleged that he was sure that Deepak Kumar has stopped his son in the street in a preplanned manner and in conspiracy with other accused, they caused injuries to his son. He alleged that the accused Deepak Kumar and Gurdeep Singh were nurturing a grudge against his son and thus, both of them in conspiracy with each other has killed his son. Request was made to take legal action against the accused. On registration of the FIR, investigation commenced. During investigation, the supplementary statement of the complainant was recorded on 07.03.2022 wherein he named Vansh (in CRM-M-31318-2025) and [Rohit](#) @ Bhim (in CRM-M-52498-2025) as accused who were present at the time of occurrence and participated in the commission of the murder of his son. Thus, they were also arrayed as an accused. They were arrested on 08.03.2022. On completion of the investigation, challan was presented and on framing of the charges, trial commenced. Petitioners approached the learned Additional Sessions Judge, Pathankot praying for grant of bail. However, on hearing counsel for both the sides, the same were declined vide orders dated 21.04.2023 and 02.03.2023 respectively. Aggrieved by the same, petitioners earlier approached this Court twice by filing CRM-M-3427-2024 and CRM-M-26929-2024 by

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petitioner-Vansh which were dismissed as withdrawn vide orders dated 01.02.2024 and 07.08.2024 respectively and petitioner-Rohit @ Bhim approached this Court by way of filing CRM-M-22647-2023 and CRM-M-47714-2024 which were dismissed as withdrawn vide orders dated 01.02.2024 and 04.02.2025 respectively. Hence, these are the third petitions filed by the petitioners praying for grant of bail.

3. It has been contended by counsel for the petitioners that the petitioners have been falsely implicated in the present cases. They submitted that from the perusal of the FIR, it is apparent that neither the petitioners were named in the FIR nor any role has been attributed to them. They have submitted that the petitioners were roped in the present case on the basis of the supplementary statement of the complainant recorded on 07.03.2022. They have further submitted that the petitioners have been alleged to be seen in the CCTV. However, even in the CCTV as well, neither the petitioners were seen to be armed with any weapon nor they were seen causing any injury to the deceased. It is submitted that the petitioners, only on the allegation that they were part of the unlawful assembly, have been roped in the present case. They have submitted that the complainant in the present case is none other than the father of the deceased who is the alleged eye-witness. The FIR has been lodged on his statement and he has made no whisper regarding the petitioners in the FIR. Supplementary statement is made in a premeditated manner and thus, false implication of the petitioners is writ large. They have submitted that the petitioners have no criminal antecedents and they are languishing in jail from the last more than 3½ years but till date, the trial is not concluded. They thus, submitted that the right of the speedy trial is equally defeated and in the facts and circumstances of the case, they deserve to be granted bail.

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4. Learned counsel for the complainant has vehemently opposed the prayer made by counsel for the petitioners. He submits that the identity of the petitioners is clearly established from the CCTV footage recorded by the Investigating Agency. All the accused including the petitioners in conspiracy with each other had committed the brutal murder of the son of the complainant. He submits that the petitioners were the part of unlawful assembly and thus, their role is not different from that of the co-accused who have been specifically named in FIR. He thus, submits that no case is made out to grant bail to the petitioners.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioners. He submits that the complicity of the petitioners had been established during the investigation. They were part of the unlawful assembly and the CCTV footage of the place of occurrence had also been recovered by the Investigating Agency. On instructions, he submits that out of 33 prosecution witnesses, 16 witnesses still remains to be examined. He has placed on record the custody certificate of the petitioners which shows that the petitioners have undergone sentence of 03 years 07 months and 19 days.

6. Heard. After hearing counsel for the parties and perusing the record, it is deciphered that the present case is based on the eye-witness account. In the FIR, two co-accused have been specifically named however, the petitioners were arrayed as an accused on the basis of the supplementary statement of the complainant. The allegations against the petitioners are to the effect that they were part of the unlawful assembly. The motive behind the murder has also been alleged against the co-accused. The custody certificates produced by the State show that the petitioners have undergone the sentence of 03 years 07 months and 19 days. It further reflect that there is



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no other case against the petitioners. As submitted, 16 prosecution witnesses still remain to be examined. Needless to say that 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction

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of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. Photocopy of this order be placed on the file of connected case.

29.10.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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