



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

CRM-M-32468-2025

Date of decision : 07.07.2025

Balwan

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajat Sheokand, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present fourth petition has been filed by the petitioner praying for grant of regular bail in case FIR No.97 dated 01.04.2021, under Sections 307 IPC (Sections 302 & 120-B of IPC added later on during investigation), registered at Police Station Sector-13/17, District Panipat.

2. Succinctly the facts of the case are that the present case was registered on the statement, namely, HC Rakam Singh. It was alleged that the complainant was posted in Police Station Sector-13/17 for general duty. Balwan (petitioner) S/o Dharam Singh and Sushil (deceased) S/o Rajinder, were locked in the Jail under Section 107/151 Cr.P.C. At about 6:30 am in the morning, Balwan requested him to go to Toilet and in the meantime a call came from the Control Room. He saw Balwan armed with a *danda* and gave a blow of the same on the head of Sushil. With the help of other officials, he shifted Sushil to the Government Hospital. It was alleged that Balwan had intentionally gave head injury to Sushil and thus, the request was made to take the legal action. Sushil succumbed to



the injuries. On registration of FIR, investigation commenced and the postmortem of dead body was conducted on the same day i.e. 01.04.2021. The petitioner who was already arrested in the Police station, was taken in custody. He approached the Learned Additional Sessions Judge, Panipat, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Panipat vide order dated 05.05.2025. Earlier, the petitioner approached this Court thrice by way of filing of CRM-M-14920-2023, CRM-M-13761-2024 and CRM-M-47483-2024, which were dismissed as withdrawn vide orders dated 29.03.2023, 21.03.2024 and 27.09.2024, respectively. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present fourth petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the petitioner was shown to be in custody of the police and thus, he had been implicated in the case on the statement of the police official itself. He submits that the petitioner is behind bars since the date of his arrest i.e. 01.04.2021 and thus, he has completed an incarceration of more than 04 years. He submits that *de hors* the allegations made against the petitioner, every accused has a fundamental right of speedy trial which has been miserably defeated in the present case. He thus, submits that in the facts and circumstances of the case especially keeping in view the custody period of the petitioner, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner has committed a heinous offence while he was in the custody of



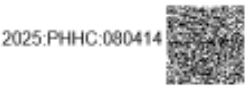
the police. He, on instructions, has submitted that out of 37 prosecution witnesses 21 witnesses have been examined till date. He has produced on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 01.04.2021 on the allegation of murder of Sushil while he was in custody. The custody certificate produced would show that he has suffered an incarceration of 04 years, 03 months and 05 days as on 05.07.2025. The prosecution could examine only 21 witnesses, out of 37 prosecution witnesses till date. The Custody certificate further reflects that the petitioner is involved in other cases as well but he is on bail in the same. There is no gain saying that every accused, *de hors* his antecedents, has a fundamental right of speedy trial. The custody of the petitioner would itself shows that despite the custody of more than 04 years, still the prosecution is to examine at least 15 prosecution witnesses.

6. 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.

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 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.

07.07.2025		(RAJESH BHARDWAJ)
<i>ps-I</i>		JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No