



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

115

CRM-M-37547-2024 (O&M)
Date of Decision:-16.10.2025

Shobhit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana.

RAJESH BHARDWAJ J.(Oral)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.101 dated 15.02.2022 under Sections 307 (Section 302 of IPC was added and Section 307 of IPC was deleted later on), registered at Police Station Old Industrial Panipat, District Panipat, Haryana.

2. Succinctly stated, the facts of the case are that the FIR in the present case was lodged on the statement of complainant Prem Singh. It was alleged that on 13.02.2022, his son Pawan had gone to the factory where he had an altercation with Shobhit, Satyam and Karan. They allegedly assaulted him with the intention to kill and inserted an air pipe into his rectum, pumping air inside his body. He was initially admitted to Chhabra Hospital, from where he was referred to S.N. Hospital and on 15.02.2022, he was finally admitted in Artios Hospital. The request was made to take legal action against the culprits.. The son



of the complainant succumbed to the injuries and thus died on 20.02.2022 and thus offence under Section 302 of IPC was added. The petitioner was arrested on 18.02.2022. Upon completion of the investigation, a challan was presented and charges were framed, following which the trial commenced. The petitioner approached the learned Court of Additional Sessions Judge, Fast Track Court, Panipat, seeking the grant of regular bail. However, after hearing both sides, the learned Court, finding no merit dismissed the bail petition vide its order dated 09.07.2024. Earlier, the petitioner had approached this Court by filing CRM-M-55318-2023, however, the same was dismissed as not pressed vide order dated 15.12.2023. Hence, the petitioner has now approached this Court seeking the grant of regular bail by filing the present second petition.

3. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that a bare perusal of the FIR shows that the complainant lodged the FIR on the basis of hearsay, as he was not an eye-witness to the alleged occurrence. It is further submitted that although another person, namely Karan, was also named in the FIR, however, he was exonerated by the investigating agency in a *mala fide* manner. Learned counsel further submits that during the trial, the father of the deceased was examined as PW-2, the cousin of the deceased, Ajit, was examined as PW-5, and another witness, Krishan @ Bhura, was examined as PW-6. However, all these three material prosecution witnesses did not support the case of the prosecution and were declared hostile. He



submits that the petitioner has no criminal antecedents and has been behind bars for the last more than three and a half years. It is further contended that the material witnesses have already been examined during trial and they have not supported the case of the prosecution. As such, the petitioner deserves to be granted the concession of bail.

4. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner, submitting that there are specific allegations against the petitioner, which have been established during the course of investigation. He further submits that the entire testimonies of hostile witnesses cannot be discarded, as the consistent parts thereof can always be relied upon. On instructions, he submits that out of a total of 23 prosecution witnesses, 10 have been examined so far. He further submits, on instructions, that the petitioner has no criminal antecedents.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR in question was registered by Prem Singh who is the father of the deceased. He has been examined before the Trial Court, and other prosecution witnesses, namely Ajit Singh and Krishan @ Bhura, have also been examined; all of them turned hostile and did not support the prosecution version. The petitioner is behind bars since 18.02.2022 and as such has suffered incarceration for more than 03 and half years. Out of 23 prosecution witnesses only 10 witnesses including the material witnesses have been examined till date. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 03 years, 07 months and 29



days as on 16.10.2025. It further reveals that the petitioner has not criminal antecedents.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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.”

7. 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.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, 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.



9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

16.10.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No