



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

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CRM-M-44766-2024 (O&M)

Date of decision: 08.07.2025

Krishan Kumar @ Talu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 439 of Cr.P.C./483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.518 dated 05.08.2021 registered under Sections 302, 34 IPC at Police Station HTM Hisar, District Hisar.

2. Briefly stated, the instant case was registered on the basis of a complaint made by the complainant namely Kamla alias Pushpa. The complainant alleged that on 05.08.2021 at about 1.00 PM, one Kamal son of Balwan her neighbour came to her house and called her son Sanjay in the street. Thereafter Krishan @ Talu (petitioner herein) and one Bhup Singh started abusing and beating her son. The complainant tried to save her son. Even her daughter-in-law Rajo also reached there. However, the petitioner took a hand pump and badly beaten her son Sanjay with its pipe. Bhup Singh also hit a brick to



Sanjay. Thereafter, some of the neighbourers gathered there and all the assailants ran away from the spot. The injured Sanjay was taken to Civil Hospital, Hisar where he was declared dead.

3. Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the FIR (supra). Admittedly as per the case of the prosecution, the petitioner has gone to the house of the complainant unarmed and at the spur of the moment, a scuffle took place between the parties. The petitioner is alleged to have used a hand-pump and inflicted injuries on the deceased Sanjay with its pipe, while the co-accused gave a brick blow on the deceased. The petitioner is behind the bars since 05.08.2021 and his custody is almost 04 years. Further, the co-accused of the petitioner namely Bhoop Singh, who is alleged to have given specific injuries on the deceased Sanjay, has already been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 17.05.2023 passed in CRM-M No.4103 of 2022 (Annexure P-3). Further in the absence of any mens rea, it would be a moot point to be decided during the course of trial, whether the petitioner can be held liable for an offence under Section 302 IPC.

4. Learned counsel for the petitioner, in support of his arguments, has relied upon the judgments of Hon'ble Supreme Court in Union of India vs K.A. Najeeb, (2021) 3 SCC 713; Paras Ram Vishnoi vs The Director, Central Bureau of Investigation, passed in Criminal Appeal No.693 of 2021 (arising out of SLP (Crl.) No.3610 of 2020) and

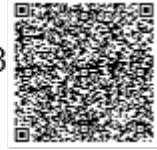


Javed Gulam Nabi Shaikh vs State of Maharashtra and another, passed in Criminal Appeal No.2787 of 2024 (arising out of SLP (Crl.) No.3809 of 2024.

5. Learned counsel for the petitioner further submits that the complainant Kamla has approached this Court by filing a revision petition i.e. CRR No.2653 of 2023 and further proceedings before the learned trial Court has also been stayed by this Court on 17.11.2023 (Annexure P-2) and due to the revision petition filed by the complainant, the trial of the case is standstill. Further the date fixed in the revision petition filed by the complainant before this Court is 02.12.2025.

6. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the specific injury has been attributed to the petitioner and further the material witnesses have supported the case of the prosecution, but he could not controvert the fact that the petitioner has suffered the incarceration of 03 years, 11 months and 02 days and he is not involved in any other case.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 03 years, 11 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented



before the concerned Court. Charges were framed and trial of the case has not made much progress.

8. 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.

9. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.

10. 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.

11. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Krishan Kumar @ Talu is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

12. The present petition seeking regular bail to the petitioner is allowed solely on the ground of long custody already undergone by him and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

08.07.2025
yakub

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