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

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Date of Decision: 02.12.2025

Nitish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.70 dated 21.08.2021 registered under Sections 302 and 201 of the IPC, at Police Station Sadar Kurali, District Mohali.
2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused had murdered one Sanjana Devi. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argues that the petitioner was neither present at the spot nor was named in the FIR. He further argues that the petitioner was nominated as an accused only on suspicion of Subodh Sharma (husband of

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the deceased). He further submits that the petitioner is being made a scapegoat as the main accused-Pankaj Sharma has been placed in column No.2 in the challan. He further submits that as per the statement of Subodh Sharma, the deceased was missing since February, 2021 but no report was ever filed in this regard. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 25.10.2021. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 31 prosecution witnesses and out of them, only 01 has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has actively participated in the crime. He argues that the petitioner on 16.10.2021 himself confessed that he along with co-accused Pankaj Sharma has committed heinous crime of murder of Sanjana Devi and thus, he does not deserve any leniency from this Court. He further argues that statement of Subodh Sharma (husband of the deceased) was recorded and the petitioner was specifically nominated in the present case. Apart from that, call recording handed over by Subodh Sharma was sent to the FSL and the voice of the deceased as well as the present petitioner was identified and hence, there are specific allegations and evidence against the petitioner. However, he has not

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controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 04 years and 01 month; he has clean antecedents, investigation is complete; challan stands presented; charges framed; out of 31 witnesses, only 01 have been examined till date; the trial is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

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.



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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.

(RUPINDERJIT CHAHAL)
JUDGE

02.12.2025

D.Bansal

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