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

CRM-M No.38254 of 2025

Date of Decision : 09.12.2025

Suresh Prasher @ Sunny

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.120, dated 16.04.2021, under Sections 304, 379-B, 201 & 34 of IPC, 1860, registered at Police Station Islamabad, District Amritsar.

2. Succinctly the facts of the case are that FIR in the present case got registered on the statement of complainant, namely, Vijay Kumar son of Janak Raj. It was alleged that the daughter of complainant, namely, Rajni, was working at Vision Eye Specs Shop, Putlighar, Amritsar. It was alleged that on 15.04.2021, the complainant along with his son, namely, Rahul had gone to Amritsar City for some work and at about 7:00 P.M., they were coming on their Aactiva bearing registration No.PB-02-DG-7453, which was being driven by his son, Rahul. It was alleged that when



they reached near Putlighar, he saw his daughter was going home from his job, sitting in the auto rickshaw, i.e. three wheeler. In the meantime, 02 boys came on the motorcycle in a high speed and they tried to snatch the phone of his daughter, who was sitting in the auto rickshaw, i.e. three wheeler. To snatch the phone, they forcefully pushed his daughter and thus, she fell down from the Auto rickshaw and received head injury. They shifted their daughter to the Hospital, however she succumbed to the injuries. Thus, the request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case on 24.04.2021. On completion of investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar twice praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Amritsar, dismissed both the bail applications filed by the petitioner vide orders dated 11.08.2021 and 29.01.2025, respectively. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is not even named in the FIR. He has submitted that the evidences produced against the petitioner are insufficient to prove his complicity. He has submitted that the petitioner is behind bars from last more than 4½ years and the material witnesses, i.e.



the complainant and his son have already been examined. He has submitted that there is no probability of the petitioner influencing the witnesses. He has submitted that the prosecution could examine till date only 06 witnesses. He has submitted that though the petitioner was convicted in one more case, however he has already undergone the sentence. He has thus submitted that keeping in view the long incarceration of the petitioner, he deserves to be granted bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner along with the co-accused has committed the culpable homicide of the deceased. He has submitted that the motorcycle, which was used in the offence, has been recovered from the petitioner. He, on instructions, has submitted that out of total 21 prosecution witnesses, 06 witnesses have been examined so far. He affirms the fact that eye-witnesses already stand examined. He has produced custody certificate of the petitioner today in the Court which is taken on record.

5. Heard.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 24.04.2021. Custody certificate produced would show that the petitioner has suffered incarceration of 04 years, 07 months and 11 days as on 08.12.2025. It further reflects that the petitioner is involved in 02 other cases, however in 01 case, he has been acquitted and in other case, though he has been convicted under Sections 379, 511, 411, 34 of IPC, however he has already undergone the sentence. Eye-witnesses already stand examined. Needless to say that every accused has the fundamental right of



speedy trial.

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 and counter allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

11. Accordingly, the present petition is allowed and the petitioner



is ordered to be released on bail on her 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.

09.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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