



CRM-M-42635-2024

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

(1) CRM-M-42635-2024

Manjeet		 Petitioner
	Versus	
State of Haryana		Respondent

(2) CRR-747-2024 (O&M)

Ashish		 Petitioner
	Versus	
The State of Haryana		Respondent

Date of Decision: 23.07.2025

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravinder Bangar, Advocate for the petitioners.
Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. This order will dispose of the above-mentioned petitions, as both arise out of one common FIR.
2. Petitioners have approached this Court by way of filing the present petitions praying for the grant of regular bail in a case FIR No.198 dated 24.06.2020 under Sections 302, 34 IPC (Sections 450 & 120B IPC added lateron) and Section 25, 54, 59 of the Arms Act, 1959, registered at Police Station SGM Nagar, District Faridabad.
3. Succinctly, the facts of the case are that the FIR in the present case was lodged on the statement of complainant Sushil Mittal. It was alleged that on 24.06.2020 at about 5/5:30 p.m., his brother Praveen (deceased) was standing at Chowk near his house, whereas, he was standing outside his house. In the meantime, three boys met his brother Praveen and one of them hugged his brother Praveen. His brother alongwith those three



boys went in front of the house. Thereafter, the complainant alongwith his wife left for Sonipat, however, on the way he received a call from his brother Raju that Praveen had been shot by those three boys. On getting the information, he rushed to his house and thereafter, reached BK Hospital alongwith his brother. He found that his brother Praveen was declared dead by the doctors. It was alleged that those three boys had committed murder of his brother Praveen and thus, it was prayed that legal action be taken against them. On the registration of the FIR, the investigation commenced. The complainant filed an application dated 12.07.2020, wherein, he gave details about the accused. Thereafter, the petitioners were arrested on 15.01.2021/20.08.2020. They approached the Court of learned Additional Sessions Judge, Faridabad praying for the grant of bail. However, after hearing both the sides and finding no merit, their bail applications were dismissed vide orders dated 11.12.2023/28.03.2024. Hence, aggrieved by the same, the petitioners are before this Court by way of filing the present petitions.

4. Learned counsel for the petitioners has submitted that the petitioners have been falsely and frivolously implicated in the present case. He submits that the complainant is none other than the brother of the deceased Parveen. He submits that the eye witness in the present case, is another brother of deceased, namely, Raju, but the FIR has been lodged by the complainant without naming any accused. He submits that after due deliberation, an application was filed by the complainant on 12.07.2020, wherein, the petitioners were named in the FIR for the first time. He submits that Raju i.e. brother of the deceased was made eye witness by the



prosecution, however, he himself was not a witness to the occurrence when the deceased was shot as alleged against the petitioners. He submits that place of occurrence is the house of the deceased itself and thus, prosecution story in itself is not believable. It is submitted that the petitioners are behind bars since the date of their arrest and thus, have completed incarceration of about more than four years. He submits that majority of the witnesses have already been examined by the trial Court. He further submits that the petitioners have faced prosecution in two other cases, however, petitioner Manjeet has been acquitted in both cases, whereas, petitioner Ashish has been acquitted in one case and in another case, he is on bail. He, thus, submits that keeping in view the facts and circumstances of the case and the custody of the petitioners, they deserve to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He submits that the petitioners are the main accused who fired at the deceased. He submits that eye witness Raju had duly supported the case of the prosecution, rather during his examination before the trial Court, he identified both the petitioners. He submits that the petitioners are habitual offenders, who have already faced prosecution for the offence under Section 302 IPC. On instructions from ASI Sanjay Kumar, he submits that out of 47 prosecution witnesses, 30 witnesses already stand examined. He further submits that in all there are eight accused, out of which four accused are in custody and rest four accused are on bail. He has placed on record the custody certificate of petitioner-Manjeet.

6. After hearing learned counsel for the parties and perusing the



record, it is deciphered that the present FIR was lodged on the statement of the complainant. The petitioners were named in the FIR by the eye witness on 12.07.2020 i.e. after about 18-19 days of the occurrence. The eye witness in the case is none other than the brother of the deceased. Place of occurrence is also house of the deceased. As submitted by learned State counsel, out of 47 prosecution witnesses, 30 witnesses stand examined including the eye witness. As submitted before this Court, the petitioners are behind bars from the last about more than 4½ years. Though the petitioners are involved in two other cases, however, they have been acquitted in the same, except petitioner Ashish in one case, in which he is on bail. The petitioners though are accused in a murder trial, however, the speedy trial is their fundamental right.

7. As per law settled, speedy trial to the petitioners despite his involvement in multiple cases cannot be taken away. 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.”

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 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. 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 petitioners succeeds in making out a case for grant of regular bail to the petitioners.

10. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

(RAJESH BHARDWAJ)
JUDGE

23.07.2025
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No