



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

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**CRM-M-43362-2025
Decided on : 04.12.2025**

Deepak @ Goli

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Pardeep Balyan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

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.95 dated 11.05.2019, registered under Sections 148, 149, 307, 324, 341, 506 IPC (Section 302 IPC added lateron), at Police Station Barauda, District Sonapat.
2. Brief facts as per the case of the prosecution are that the petitioner along with co-accused caused injuries to the complainant Anil and Prem and due to the said injuries, Prem died. Hence the present FIR.
3. As a matter of fact, earlier the petitioner was granted the concession of regular bail by the Court of Sessions Judge, Sonapat vide order dated 16.06.2020 (Annexure P-2). However, during the trial, the petitioner failed to



appear before the learned trial Court on 31.03.2022, and resultantly, his bail was cancelled, bail bonds were forfeited and ultimately he was declared proclaimed offender vide order dated 18.07.2022. Lateron, he was arrested on 01.10.2022 in some other case and was arrested in the present FIR on issuance of production warrants. Since then, he is in custody.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor was named in the FIR and he has no concern with the said incident. He contends that there was no enmity between the petitioner and complainant party and the petitioner had no motive to cause injuries to them. Learned counsel contends that the complainant in his deposition before the trial Court as PW5 has not supported the case of the prosecution and has been declared hostile. He further contends that the main accused Kuldeep as well as co-accused Ravinder have already been granted the concession of regular bail by a Coordinate Bench of this vide orders dated 17.01.2023 and 20.04.2023 respectively. Learned counsel contends that the petitioner has been involved in this case only because he is on cordial terms with co-accused Kuldeep. The petitioner is in custody for 04 years 03 months and 08 days. The investigation in the case is complete, challan stands presented, charges have been framed and the fact that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

5. Learned State counsel has filed the custody certificate and the same is taken on record. Status report has already been filed. He has vehemently opposed the submissions made by learned counsel for the petitioner on the



ground that the allegations against the petitioner are serious in nature. Learned State counsel further contends that the petitioner was an active member of unlawful assembly and he was armed with wooden baton and caused injuries to complainant and deceased. He further submits that the petitioner has got recovered the wooden baton used in the crime. Learned State counsel contends that earlier the petitioner was declared proclaimed offender and there is apprehension that if granted bail, he may abscond again. He further submits that the petitioner is also involved in multiple other cases meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the facts that the petitioner is in custody for 04 years 03 months and 08 days, co-accused Kuldeep and Ravinder have already been granted the concession of regular bail, complainant has not supported the case of prosecution and has turned hostile, investigation is complete, challan stands presented, charges have been framed and the fact that the trial may take a long time to conclude and no useful purpose would be served by detaining the petitioner 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.

7. 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".



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. 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.*

10. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382* in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role



of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. 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.

12. The present petition is disposed off accordingly.

04.12.2025

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

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