



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

CRM-M-51328-2024 (O&M)
Date of Decision: 03.11.2025

Amar Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Saleem Ahmed, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.273 dated 27.06.2022 under Section 147, 148, 149, 323, 506 of IPC (Sections 302, 120-B & 201 of IPC added lateron), registered at Police Station SGM Nagar, District Faridabad.

2. Succinctly, facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Vikas. It was alleged therein that on 26.06.2022 at about 7:00 PM, he along with Deepak and Vinod were standing near liquor shop, in the meantime, Amar Chand, Mangal, Golu, Chintu, Gheta and 10-12 other persons reached there carrying iron rods, swords and dandas in their hands and caused grievous injuries to Deepak with the weapons carried by them. It was further alleged that after considering Deepak to be dead, all the assailants fled away from the spot giving threat that in case Deepak survived, they would kill him in future. The whole occurrence



was captured in CCTV cameras installed there. Thus, request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced and he was arrested on 09.08.2022. On completion of the investigation, the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.08.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner is falsely implicated in the present case. He submits that the only allegation attributed to the petitioner is a *danda* blow, which, cannot be said as cause of death of victim. He has submitted that case of the petitioner is at par with the co-accused, namely, Ansh Verma @ Kariya, who has been granted bail by this Court vide order dated 04.12.2023 passed in **CRM-M-36869-2023**. He submits that though the petitioner is named in the FIR, however, he has suffered an incarceration of more than 03 years, but there is no progress in the trial. He submits that petitioner's right of speedy trial is defeated and thus, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has opposed the submissions made on behalf of the petitioner. He submits that the petitioner is specifically named in the FIR. However, he endorsed the fact that case of the petitioner is at par with that of co-accused, namely, Ansh Verma @ Kariya, who has been granted bail by this Court.



5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that in all there are 44 prosecution witnesses, out of which only 04 witnesses have been examined till date. He submits that though the petitioner is named in the FIR, however, his case is at par with co-accused, namely, Ansh Verma @ Kariya, who has already been granted bail by this Court. He has produced the custody certificate of the petitioner today in the Court and the same is taken on record.

6. After hearing counsel for the parties and perusing the record, it is deciphered that though petitioner was named in the FIR, however, he has suffered an incarceration of more than 03 years. As submitted before this Court, out of total 44 prosecution witnesses, only 04 have been examined so far. Admittedly, co-accused of the petitioner, namely, Ansh Verma @ Kariya, has already been granted bail by this Court vide order dated 04.12.2023 passed in **CRM-M-36869-2023**. As per the custody certificate, the petitioner has completed the incarceration of 03 years, 02 months and 23 days as on 01.11.2025.. It further reflects that the petitioner is involved in other 04 cases, however, he is on bail in 02 cases, acquitted in 01 case and in 01 case he has undergone the sentence. Needless to say that every accused has the fundamental right of speedy trial.

7. 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.

8. 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.”

9. 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.

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. Thus, keeping in view the arguments raised by both the sides, 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 on the basis of parity.

11. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

12. Consequently, pending application i.e. CRM No.41959 of 2025, praying for grant of interim bail, stands infructuous.

03.11.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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