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

CRM-M No.51479 of 2024

Ajay @ Kalu

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M No.51696 of 2024

Nekveer

..... Petitioner

versus

State of Haryana

..... Respondent

Date of Decision: 15.07.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Saini, Advocate
for the petitioner in CRM-M-51479-2024.

Mr. Kulwant Singh Dhanora, Advocate
for the petitioner in CRM-M-51696-2024.

Mr. Tanuj Sharma, AAG, Haryana assisted by
ASI Mukesh Kumar.

Mr. Rahul Chauhan, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Present petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.0564, dated



18.07.2023, under Sections 148, 149, 323, 325, 341, 379-B, 306 of IPC (Section 306 IPC deleted later on and Section 506 added later on), registered at Police Station Yamunanagar City, District Yamunanagar.

3. Succinctly the facts of the case are FIR in the present case was got registered on the statement of complainant, namely, Umit Gupta. It was alleged that on 16.07.2023, at about 9:30 P.M., he went on his motorcycle from his house and on the way, he was way laid by Pankaj Baba, Ankush Bindra, Vishal @ Shooter, Ajay @ Kalu (petitioner) in CRM-M-51479-2024, Goldi (petitioner) in CRM-M-51696-2024, etc. They were armed with *Gandasis, broken pipes*, etc. All of them attacked him and threaten him to compromise the dispute already going on between them. On giving the injuries, all of them escaped from the place of occurrence. The request was made to take the legal action against the accused. On registration of the FIR, the investigation commenced. The petitioners were arrested on 22.07.2023 and 06.11.2023, respectively. The petitioners approached the Court of learned Additional Sessions Judge, Yamuna Nagar praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Yamuna Nagar declined the bail petitions filed by both the petitioners vide orders dated 22.08.2024 and 10.10.2024, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in this case. It has been submitted by learned counsel for the petitioners that admittedly



there are outstanding dispute between the parties and thus on account of the same, the petitioners have been implicated by the complainant in the present case. They have submitted that the allegations regarding the snatching of gold chain is against the co-accused, namely, Rajat and not against the petitioners. They have submitted that the complainant himself is facing prosecution in 20 cases and thus the allegations made in the FIR cannot be relied upon. They have submitted that the petitioners are behind bars since the date of their arrest, i.e. 20.07.2023 and 06.11.2023, respectively, however the prosecution has not been able to examine the witnesses till date. They have submitted that both the petitioners were involved in 02 other cases, however they are on bail in both the cases. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioners. He has submitted that both the petitioners attacked the complainant in a due deliberated manner as they wanted to compel the complainant to compromise the cases already going on between them. He has submitted that the petitioners are specifically named in the FIR and they have played an active role in the occurrence. He has submitted that no case for the grant of bail to the petitioners is made out and thus, both the petitions deserve to be dismissed.

6. *Per contra*, learned counsel for the State has opposed the submissions made by counsels for the petitioners. He has submitted that during the investigation, complicity of the petitioners were duly



established. He has submitted that the petitioners were duly armed and caused injuries to the complainant. He, on instructions from ASI Mukesh Kumar, has submitted that out of 15 prosecution witnesses, none has been examined till date. He has produced custody certificates of both the petitioners today in the Court and the same are taken on record. He has submitted that both the petitioners are involved in two more cases.

7. Heard.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case was taken place on 16.07.2023. The petitioners though were named in the FIR and subsequently, they were arrested on 22.07.2023 and 06.11.2023, respectively. Custody certificate produced by the learned State Counsel would show that the petitioner, namely, Ajay @ Kalu has suffered incarceration of 01 year, 11 months and 23 days as on 14.07.2023 and the petitioner, namely, Nekveer, has suffered incarceration of 01 year, 08 months and 08 days as on 14.07.2025, respectively. Though the petitioners were involved in 02 other cases, however as per the custody certificates of the petitioners, they are on bail in those cases. As submitted before this Court by the learned State counsel, no witness has been examined till date, out of 15 prosecution witnesses. Needless to say that every accused has a fundamental right of speedy trial.

9. 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.”

10. 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.

11. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners, namely, Ajay @ Kalu and Nekveer are ordered to be released on bail on their 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.

15.07.2025
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(RAJESH BHARDWAJ)
JUDGE

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