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

**CRM-M No.49052 of 2025
Date of Decision: 17.11.2025**

Rahul

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunny Tyagi, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.495, dated 27.07.2022, under Section 346 IPC (Sections 120-B, 302, 365, 201 IPC added later on and Section 346 IPC deleted lateron), registered at Police Station Gharaunda, District Karnal.
2. Succinctly, the facts of the case are that the FIR in the present case was got registered on the statement of complainant, namely, Ishwar. It was alleged that he has three daughters and one son, namely Pardeep Singh, who was 36 years of age and was working as Computer Operator in Gharaunda Electricity Board. On 26.07.2022, his son Pardeep went for work on his motorcycle make Hero Deluxe bearing registration No.HR05-AG-3684 but did not return back home.



The request was made to search his son. On 29.07.2022, a telephonic message was received in the Police Station Gharaunda from Police Station Shahabad Dairy, Delhi with regard to discovery of dead body of Pardeep in Khera Canal. Thereupon, the Police party alongwith relatives of deceased Pardeep went to Police Station Shahabad Dairy, Delhi and got identified the dead body, which was kept in the mortuary. After conducting the postmortem, the dead body was handed over to the family members of the deceased. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and he was arrayed as an accused in the present case. The petitioner was arrested on 04.08.2022. The petitioner approached the Court of learned Additional Sessions Judge, Karnal praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Karnal, dismissed the bail application filed by the petitioner vide order dated 24.04.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-30952-2024, however the same was dismissed as withdrawn vide order dated 28.04.2025. Hence being aggrieved, the petitioner has approached this Court again praying for grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused,



namely, Sawan. He has drawn the attention of this Court to the order dated 28.04.2025 passed in **CRM-M-20973-2024**, whereby, co-accused, namely, Sawan has been granted regular bail by this Court. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 04.08.2022 and thus, has suffered an incarceration of more than 03 years. He has submitted that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Sawan. He, on instructions, has submitted that out of total 23 prosecution witnesses, 15 witnesses have been examined. He has submitted that the petitioner is involved in other cases as well. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 04.08.2022. Co-accused, namely, Sawan is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered incarceration of 03 years, 03 months and 06 days as on 14.11.2025. It further reflects that the petitioner is involved in 02 other cases, however in one case, he has been acquitted. Out of total 23 prosecution witnesses, 15 witnesses have been examined. Needless to say that every accused has the



fundamental right of speedy trial.

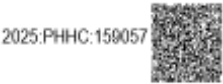
6. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“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.”

7. 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.

8. This Court would refrain itself from commenting anything on the merits of the case. 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.

9. 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.



10.

It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.
11.

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

17.11.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No