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

CRM-M-49017-2025

Date of decision : 08.09.2025

Deepak Yadav @ Mental**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. K.K. Goyal, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.327 dated 16.11.2021 under Sections 307, 379-B & 34 of IPC and Section 25 of Arms Act (subsequently offence under Section 379-B and 34 of IPC were deleted and Sections 394, 395-B, 397, 411 of IPC were added), registered at Police Station Focal Point, Ludhiana.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant-Navneet Kumar Srivastava. It was alleged that he was running a shop in the name of Srivastav Associates. On 15.11.2021 at around 09.00 PM, his wife-Amrita Nanda and daughter-Vertika Nanda came to his shop. When he was closing his shop, some persons entered into the shop and started threatening them to handover the goods to which he and his wife resisted. Out of them, one person attacked on his hand with a *Daat* and other fired



at him with an intention to kill him, however, the bullet hit his wife on her right thigh. Thereafter, they tried to escape with the blue bag of the complainant from there, however, they fell down and ran away leaving the motorcycle there. The request was made to take legal action against those unknown accused. On registration of FIR investigation commenced. During investigation the complicity of the petitioner surfaced. On completion of investigation, challan was presented. On framing of charges learned trial Court proceeded with the trial and the petitioner was arrested on 11.06.2022. He approached the learned trial Court praying for the grant of regular bail, however, after hearing both the sides, the learned Court declined the same vide order dated 04.09.2024. Hence, the petitioner has approached this Court for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner was falsely implicated in the present case. He submits that no identification parade was conducted for the identification of the petitioner, however, he has been implicated in the present case on the basis of presumptions and assumptions. He submits that the co-accused, namely, Bobby Singh @ Bobby, who fired upon the wife of the complainant, has already been granted bail by this Court vide order dated 28.07.2025 passed in **CRM-M-61377-2024**. He submits that though the petitioner is involved in other cases, however, in 01 case he has been acquitted, in 02 cases he is on bail and in 03 cases he has already undergone the sentence. He submits that out of the total 08 accused, 07 accused are on bail. It is submitted that the petitioner is behind bars for the last more than 03 years. However, there is no material progress in the trial.



He submits even otherwise material witnesses including the complainant and his wife already stands examined. He thus submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has also opposed the submission made by learned counsel for the petitioner and submits that petitioner was accompanying the main accused, who had fired at the wife of the complainant, however, he has endorsed the fact that he has already been granted bail by this Court vide order dated 28.07.2025 passed in **CRM-M-61377-2024**. He has placed on record custody certificate of the petitioner and submits that the petitioner is involved in 06 other cases, out of which, in 01 case he is on bail and in 03 cases, he has already undergone the sentence. On instructions, he submits that out of total 23 prosecution witnesses only 07 witnesses have been examined so far.

5. After hearing learned counsel for the parties, it is deciphered that the petitioner was arrested on 11.06.2022. Out of the total 08 accused, 07 accused are already on bail. Custody certificate would reflect that the petitioner has suffered an incarceration of 03 years, 02 months and 24 days as on 05.09.2025. It further reflects that the petitioner is involved in 06 other cases, out of which, in 01 case he is on bail and in 03 cases he has already undergone the sentence. Admittedly, co-accused of the petitioner, Bobby Singh @ Bobby, who fired at the wife of the complainant, has already been granted bail by this Court vide order dated 28.07.2025 passed in **CRM-M-61377-2024**.

6. 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



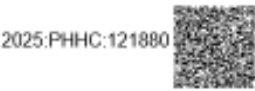
both the parties before the trial Court.

7. 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. 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 petitioner succeed in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and 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.



10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

08.09.2025
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(RAJESH BHARDWAJ)
JUDGE

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