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

**CRM-M No.49657 of 2025
Date of decision : 11.09.2025**

Karan @ Atu**.....Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Navneet Singh, 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.698, dated 04.10.2023, under Sections 120-B, 148, 149, 302, 324, 34 of IPC (Section 506 IPC and Sections 25/54/59 of Arms Act), registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Naveen son of Satyawar. It was alleged that the complainant has one brother, namely, Shivam, who was studying in B.A. 2nd year in Parshuram College. On 04.10.2023, the complainant came to meet his brother Shivam in his college. The complainant along with his brother, Shivam, Vishnu, Anju, Mohit, Bhunit, Karan and Vaibhav Chaudhary were sitting near the



canteen of Parshuram Colony, Kurukshetra. Some boys were also sitting at some distance from them. Vaibhav Chaudhary, friends of Shivam told that those boys belong to BPSO group and Jitender Rana is the president of that group. At about 11 O' clock, one of those boys came along with Jitender Rana and started abusing Bhumit, who was sitting with them. A heated arguments took place and in the meantime, president Jitender Rana, Vansh, Chetan, Krishan Verma and other boys started scuffling with them. Jitender Rana, Chetan and Krishan Verma were armed with knives and they gave many blows to the brother of complainant near his chest with intention to kill, which attracted the crowd of students and on seeing the same, the assailants escaped from the spot on their motorcycles while threatening to kill them. They shifted his injured brother, Shivam to BS Heart Care Hospital, Kurukshetra where he succumbed to the injuries. Thus, the request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 08.10.2023. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Kurukshetra praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Kurukshetra declined the bail application filed by the petitioner vide order dated 19.10.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-5059-2025, however the same was dismissed as not



pressed vide order dated 08.05.2025. Hence being aggrieved, the petitioner is before this Court again by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner has been named in the FIR nor he has been attributed any role. He has submitted that on the basis of disclosure statement of co-accused, the petitioner subsequently has been implicated in the present case, which is not even an admissible evidence. He has submitted that as evident from the case of prosecution, the fatal injuries were attributed to the co-accused, namely, Chetan. He has submitted that the petitioner is behind bars since the date of his arrest and the prosecution witnesses are intentionally not appearing before the learned trial Court so as to prolong the incarceration of the petitioner. He has drawn the attention of this Court to the *zimni* orders of the trial Court to substantiate his arguments. He has submitted that only 13 prosecution witnesses have been examined and thus in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that complicity of the petitioner surfaced during the investigation. She has submitted that the petitioner was not the student of college but however as per the investigation from the CDR, his location was found to be at the college at the time of occurrence. She has submitted that the petitioner was the part of conspiracy and was a member



of unlawful assembly in committing the murder of Shivam. She has submitted that as per the postmortem, the deceased suffered 05 injuries and thereafter, he succumbed to the injuries suffered. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case has taken place in the college on 04.10.2023. The fatal injuries have been attributed to the co-accused. The petitioner has been said to be the part of unlawful assembly. Custody certificate produced would show that the petitioner has completed an incarceration of 01 year, 10 months and 27 days as on 09.09.2025. Custody Certificate further shows that the petitioner is involved in 02 other cases, however, in one case, he has been acquitted and in other, he is on bail.

7. The Court has perused the *zimni* orders passed by the learned trial Court. *Zimni* order dated 03.09.2025 would show that the trial Court had issued the non-bailable warrant for securing the presence of PW-Naveen, who is none other than the complainant of FIR. The summons have been issued for securing the presence of SI Surender Singh as well. Needless to say that the speedy trial is the fundamental right of every accused.

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 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.

10. 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. 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.

(RAJESH BHARDWAJ)
JUDGE

11.09.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No