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

Date of decision:06.08.2025

(i) CRM-M-53481-2024

Jasbir

...Petitioner

vs.

State of Haryana

...Respondent

(ii) CRM-M-26631-2025

Jony

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Virat Rana, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner in CRM-M-53481-2024

Mr. Sahil Choudhary, Advocate
for the petitioner in CRM-M-26631-2025.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose off above-said two petitions i.e. CRM-M-53481-2024 titled as Jasbir Vs. State of Haryana and CRM-M-26631-2025 titled as Jony Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.206 dated 08.07.2021 registered under Sections 147, 302, 149 of IPC, at Police Station Ganaur, District Sonipat.
2. The FIR in the present case was registered on the basis of the



statement made by Abhishek son of Krishna and the same has been reproduced below:-

“To SHO Police Station Ganaur Sir, it is requested that I am Abhishek S/O Krishna village Samalkha, near Golden Park near Shiv Mandir, we are four siblings, in which I am the eldest and work as a PICKER in COLD STORE DICT and one of our friends Monu S/o Jilhe Singh R/o Gadhi Jhijhara Road lives behind the Power House and he also works with me in the company, on 07-07-2021, I, my brother Pawan and uncle's son Sandeep S/O Balraj Singh and three-four friends came to the wedding of Monu and he had also invited some other friends to the wedding at around time 08:30 hrs we all were dancing on DJ. At that time Jony and Sandeep had an argument while dancing. We resolved the fight by mediating. Shortly after that around 11:30 hrs they started fighting with us again. After that we asked Sandeep and Praveen to go home by Gadhi Jhijhara road and told them that we are following behind on bike. As soon as we left on motorcycle, Jhony and his friends on two-three motorcycles also followed us. When we reached near Sandeep and Praveen, Jony and his friends surrounded us and said now we will see you and started beating us. I, my brother and Praveen left the bike parked there and ran towards the fields. They caught Sandeep and started beating him. When Jony and others left from there with him, we came out of the fields and saw that our uncle's son Sandeep was lying unconscious. I picked him up on my motorcycle with Sandeep in the middle and my brother Pawan at the back. And we brought him to the civil hospital where the doctors after checking him declared Sandeep dead. My uncle's son Sandeep was murdered by Jony and his companions. We are now giving you a written application that strict action should be taken against them.”



3. Learned counsel appearing on behalf of Jony, petitioner in CRM-M-26631-2025, submits that even though the petitioner has been named in the FIR, however, no specific role has been attributed to him in the commission of alleged offence. Even no specific injury has been attributed to the petitioner. Further, during the course of investigation, certain statements of co-accused were recorded and as per that, the petitioner allegedly struck the deceased with a belt, which broke after a single hit. Even it is a matter of common knowledge that a single struck with a belt could cause only a minor injury. Even though, the petitioner had not participated in the occurrence. He further contends that the case of the petitioner is on parity with his co-accused, namely, Karamveer, Deepak, Kuldeep, Ajay, who have already been ordered to be released on bail by this Court as well as the trial Court, vide orders (Annexures P-6 to P-9). Moreover, now Abhishek, complainant and one more material witness were examined, but their testimonies did not inspire confidence and had made contradictory statements before the trial Court. Further, it has been alleged that the fatal injury was caused on the person of deceased with a knife. However, as per FSL report, no human blood was detected on the knife or its disintegrated parts. He further contends that even the material witness Praveen has been examined as PW 15, but he did not support the case of the prosecution. Apart from that, the petitioner lacks any discernible motive to commit the alleged crime and even he had no reason to participate with his co-accused. The petitioner was arrested in the present case on 11.11.2021 and is in custody for the last three years and eight months. The prosecution has already examined 15



witnesses, out of total 19 witnesses and all the material witnesses have been examined.

4. On the other hand, learned counsel appearing on behalf of Jabir-petitioner in CRM-M-53481-2024 has also raised similar arguments and submitted that the petitioner was falsely involved in the present case. The petitioner was attributed an injury with knife on the person of the deceased. However, the knife did not carry any specific mark of identification, nor as per FSL report, blood could be detected on the knife. Thus, the alleged recovery of knife did not advance the case of the prosecution in any manner. The petitioner was arrested in the present case on 11.11.2021 that is for the last more than three years and eight months and since all the material witnesses have been examined, his further custody will not serve any purpose.

5. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners were actively involved in the crime and had caused injuries to Sandeep, since deceased. However, he admits that the prosecution has examined 15 witnesses, out of total 19 witnesses so far and further custody of the petitioner will not serve any purpose.

6. I have heard learned counsel for the parties and perused the record.

7. It has been held by the Hon'ble Supreme Court in the matter of **“Ranjan Dwivedi Vs. CBI, through the Director General, 2012(8) SCC 495; 2012 (4) RCR (Criminal) 880”** as follows:-

“14. In *Kartar Singh v. State of Punjab*, (supra), another Constitution Bench considered the right to speedy trial and opined



that the delay is dependent on the circumstances of each case, because reasons for delay will vary. This Court held :

"84. The right to a speedy trial is a derivation from a provision of Magna Carta. This principle has also been incorporated into the Virginia Declaration of Rights of 1776 and from there into the Sixth Amendment of the Constitution of United States of America which reads, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...". It may be pointed out, in this connection, that there is a Federal Act of 1974 called 'Speedy Trial Act' establishing a set of time-limits for carrying out the major events, e.g., information, indictment, arraignment, in the prosecution of criminal cases. [See Black's Law Dictionary, 6th Edn. page 1400].

85. The right to a speedy trial is not only an important safeguard to prevent undue and oppressive incarceration, to minimise anxiety and concern accompanying the accusation and to limit the possibility of impairing the ability of an accused to defend himself but also there is a societal interest in providing a speedy trial. This right has been actuated in the recent past and the courts have laid down a series of decisions opening up new vistas of fundamental rights. In fact, lot of cases are coming before the courts for quashing of proceedings on the ground of inordinate and undue delay stating that the invocation of this right even need not await formal indictment or charge.

86. The concept of speedy trial is read into Article 21 as an essential part of the fundamental right to life and liberty guaranteed and preserved under our Constitution. The right to speedy trial begins with the actual restraint imposed by arrest and consequent incarceration and continues at all stages, namely, the stage of investigation, inquiry, trial,



appeal and revision so that any possible prejudice that may result from impermissible and avoidable delay from the time of the commission of the offence till it consummates into a finality, can be averted. In this context, it may be noted that the constitutional guarantee of speedy trial is properly reflected in Section 309 of the Code of Criminal Procedure.

87. This Court in *Hussainara Khatoon v. Home Secretary*, AIR 1979 Supreme Court 1360, State of Bihar while dealing with Article 21 of the Constitution of India has observed thus: (SCC p. 89, para 5)

"No procedure which does not ensure a reasonably quick trial can be regarded as 'reasonable, fair or just' and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21. Would he be entitled to be released unconditionally freed from the charge levelled against him on the ground that trying him after an unduly long period of time and convicting him after such trial would constitute violation of his fundamental right under Article 21."

See also (1) *Sunil Batra v. Delhi Administration* (I), (2) *Hussainara Khatoon* (I) v. Home Secretary, State of Bihar, (3) *Hussainara Khatoon* (IV) v. Home Secretary, State of Bihar, Patna, (4) *Hussainara Khatoon* (VI) v. Home Secretary, State of Bihar, Govt. of Bihar, Patna, (5) *Kadra*



Pahadia v. State of Bihar (II), (6) T.V. Vatheeswaran v. State of T.N., and (7) Abdul Rehman Antulay v. R.S. Nayak.

88. Thus this Court by a line of judicial pronouncements has emphasised and re-emphasised that speedy trial is one of the facets of the fundamental right to life and liberty enshrined in Article 21 and the law must ensure 'reasonable, just and fair' procedure which has a creative connotation after the decision of this Court in Maneka Gandhi."

The Court further observed :

"92. Of course, no length of time is per se too long to pass scrutiny under this principle nor the accused is called upon to show the actual prejudice by delay of disposal of cases. On the other hand, the court has to adopt a balancing approach by taking note of the possible prejudices and disadvantages to be suffered by the accused by avoidable delay and to determine whether the accused in a criminal proceeding has been deprived of his right of having speedy trial with unreasonable delay which could be identified by the factors - (1) length of delay, (2) the justification for the delay, (3) the accused's assertion of his right to speedy trial, and (4) prejudice caused to the accused by such delay. However, the fact of delay is dependent on the circumstances of each case because reasons for delay will vary, such as delay in investigation on account of the widespread ramification of crimes and its designed network either nationally or internationally, the deliberate absence of witness or witnesses, crowded dockets on the file of the court etc."

8. Hon'ble the Supreme Court in **Gudikanti Narasimhulu and others v. Public Prosecutor, AIR 1978 SC 429** has held as under:-

"Bail or Jail"- at the pre-trial or post-conviction stage - largely hinged on judicial discretion. The learned Judge held that



personal liberty was too precious a value of our constitutional system recognised under Article 21 that the crucial power to negate it was a great trust exercisable not casually but judicially, with lively concern for the cost to the individual and the community. It was further held that deprivation of personal freedom must be founded on the most serious considerations relevant to the welfare objectives of society specified in the Constitution. The learned Judge quoted Lord Russel who had said that bail was not to be withheld as a punishment and that the requirements as to bail were merely to secure the attendance of the prisoner at trial. According to V.R. Krishna Iyer, J., the principal rule to guide release on bail should be to secure the presence of the applicant to take judgment and serve sentence in the event of the Court punishing him with imprisonment. After holding that it makes sense to assume that a man on bail has a better chance to prepare and present his case than one remanded in custody the learned Judge observed that if public justice is to be promoted mechanical detention should be demoted.

9. In **Gurbaksh Singh Sibbia etc Vs The State of Punjab, AIR 1980 SC 1632**, Hon'ble the Supreme Court has observed as under:-

“Judges have to decide cases as they come before them, mindful of the need to keep passions and prejudices out of their decisions. The Court has also observed that in which case bail should be granted and in which case it should be refused is a matter of discretion. The court found it interesting to note that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra Vs. King Emperor, AIR 1924 Calcutta 476, that the object of bail was to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused was whether it was probable that the party would appear to take his trial and that it was indisputable that bail was not to be withheld as a punishment. The



*Supreme Court also referred to the observation of the Allahabad High Court in **K.N. Joglekar Vs. Emperor, AIR 1931 Allahabad 504**, that Section 498 of the Old Code which corresponds to Section 439 of the New Code, conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. The Allahabad High Court had also observed that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. The Supreme Court referred also the decision of the Allahabad High Court in **Emperor Vs. H.L. Hutchinson, AIR 1931 Allahabad 356**, wherein it was held that the principle to be deduced from the various sections in the Cr.P.C. was that grant of bail is the rule and refusal is the exception, that as a presumably innocent person, the accused person is entitled to freedom and every opportunity to look after his own case and to establish his innocence and that an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. The High Court had also held that it would be very unwise to make an attempt to lay down any particular rules which would bind the High Court, having regard to the fact that the legislature itself left the discretion of the Court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes bail may be granted but not in other classes. The Supreme Court apparently approved the above views and observations and held (vide paragraph 30) as follows :*

"It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances,



the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

10. At this stage, it is observed that the object of the bail is to secure the presence of the accused at the trial only. It is also observed that the object of bail is neither punitive nor preventive and deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. Hon'ble the Supreme Court has observed in catena of judgments that when a person is punished by denial of bail in respect of any matter upon which he has not been convicted it would be contrary to the concept of personal liberty enshrined in the Constitution except in cases where there is reason to believe that he may influence the witnesses. It is appropriate to say that pre-conviction detention should not be resorted to, except in cases of necessity to secure attendance at the trial or upon material that the accused will tamper with the witnesses if left at liberty.

11. In the present case, both the petitioners are in custody for the last more than three years and eight months. Moreover, other co-accused, namely, Karamveer, Deepak, Kuldeep, Ajay have already been ordered to be released on bail by this Court as well as the trial Court, vide orders (Annexures P-6 to P-9). Thus, the petitioners may not be in a position to influence the witnesses of the prosecution. Moreover, the material witness-Praveen has already turned hostile and the prosecution is yet to lead evidence with regard to involvement of the petitioners in the crime.



12. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

06.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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