



CRM-M-50760-2025

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**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-50760-2025****Date of decision : 16.09.2025****Sunny Kumar @ Sunny****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana and
Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.0023 dated 09.05.2023, under Sections 323, 324 and 506 of IPC, registered at Police Station GRP Rohtak, District GRP Ambala Cantt.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Sunil Kumar. It was alleged that his brother Rohit (deceased) was unmarried, who used to ply Auto rickshaw. He had a dispute on 08.05.2023 with Sunny (petitioner) S/o Kewal Singh. As both of them used to ply their Auto rickshaw, he was habitual of fighting with his brother and thereafter he used to apologize. Apprehending the dispute, he reached at the Auto Rickshaw stand Railway Station Rohtak. He found his brother Rohit and Sunny standing there. Sunny was drunk and he gave a screwdriver blow on the head of his brother Rohit. The pointed side of the screwdriver remained embedded in the head of his brother. On extending threat, he escaped from there. He shifted his brother to Trauma Center, PGI Rohtak. During treatment, injured-Rohit succumbed to the injuries on 11.05.2023 and thus, offence



under Section 302 IPC was also added. On registration of FIR, investigation commenced and the petitioner was arrested on 09.05.2023. The postmortem of the dead body was conducted. On completion of investigation challan was presented and on framing the charges, trial commenced. Thereafter, the petitioner approached the Learned Sessions Judge, Rohtak, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 29.05.2024. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-54235-2024, which was dismissed as withdrawn by this Court on 06.03.2025. Hence, the petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has contended that evidently both the deceased and the petitioner were E-rickshaw drivers. He submits that the dispute as alleged was at the spur of the moment. There cannot be any intention on the part of the petitioner in committing the offence as alleged. He submits that even the weapon of offence was a screwdriver, which shows that there was no pre meditated intention. It is submitted that in the facts and circumstances, it is apparent that the offence under Section 302 IPC is *prima facie* not made out against the petitioner. He submits that as per the MLR, there is only one injury allegedly caused by the petitioner. He submits that the petitioner is behind bars from last more than 02 ½ years. The material witnesses including the complainant have already been examined and thus, there is no possibility of the petitioner to tamper with the prosecution witnesses. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances the petitioner, he deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner had intentionally given the blow of the screwdriver on the vital part of the deceased i.e. the head. The pointed part of the screwdriver remained embedded in the head of the deceased. The deceased succumbed to the injuries caused by the petitioner. He submits that the eye-witness of the case has also been examined and he has supported the case of the prosecution. He, on instructions, has submitted that out of total 26 prosecution witnesses, 11 witnesses have been examined as on date. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner is a rickshaw driver and equally the deceased. The occurrence had taken place on Rickshaw stand at Railway Station, Rohtak. The injury alleged against the petitioner is caused by a screwdriver. The deceased succumbed to the injuries 02 days thereafter. The custody certificate produced would show that he has suffered an incarceration of 02 years, 04 months and 06 days as on 15.09.2025. It further reflects that the petitioner has no criminal antecedents. As submitted before this Court, out of total 26 prosecution witnesses, 11 witnesses have been examined and the complainant has also supported the case of the prosecution. Needless to say that speedy trial is the right of every accused.

6. The veracity of the allegations would be assessed only after 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. Thus, keeping in view the overall facts and circumstances of the case, 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.

10. 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.

16.09.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No