



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

CRM-M-51372-2025
Date of decision : 17.09.2025

Santram

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.K. Tripathi, 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 petition has been filed by the petitioner praying for grant of regular bail in case FIR No.0484 dated 24.12.2022, under Sections 148, 149, 302, 323 & 34 of IPC and Section 25 of Arms Act, registered at Police Station Sector-14, Panchkula.
2. As per the facts of the case, the FIR case was lodged on the statement of complainant, namely, Divyanshu. It was alleged that on 24.12.2022 at about 5:00/5:30 pm, he, Rishabh and Mukesh @ Munna (deceased) were coming from Sabji Mandi Budhanpur to Indira Colony. In the meantime, Santram @ Sanju armed with a knife, Mastu armed with baseball bat, Raju and Rahul armed with bat and wood, Golu, Rahul, Deepak and Joginder along with other boys holding sticks in their hands, came there. They already had a grudge against them. In order to take revenge, they opened attack on them. They caught hold of Mukesh @ Munna and Santram gave 4/5 knife blows to Mukesh @ Munna, Mastu also started hitting with his baseball bat, Rahul and Raju also gave brick bat blow to them. On raising alarm, all of them escaped from there. Mukesh @ Munna was shifted to Civil Hospital, Panchkula, where he



succumbed to the injuries. Thus, the request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. The postmortem of dead body was conducted. The petitioner was arrested on 26.12.2022. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Learned Sessions Judge, Panchkula, 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 05.09.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the deceased was a history sheeter, who was facing a murder trial as well. It is because of his antecedents the deceased had enmity with various people and hence, he was murdered by someone else but the petitioner and the co-accused have been falsely implicated in the present case. He submits that the eye-witness in the present case are also planted as they were not even present at the time of occurrence. He submits that the injured/eye-witness Rishab had been examined before the trial Court as PW-8 and during his cross-examination he has admitted that he was facing the prosecution in 5-6 FIRs. He has also deposed before the trial Court that deceased Mukesh @ Munna was facing the murder trial. It is submitted that there are material discrepancies in the depositions of the eye-witness which is sufficient to discredit the case of the prosecution. He submits that in all there are 08 accused in the present case and rest all 07 accused are already on bail. He submits that the petitioner is behind bars from last 2 ½ years and the material witnesses stand examined, hence,



there is no probabilities of the petitioner tampering with the prosecution witnesses. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the case of the prosecution is based on the eye-witness account. It is submitted that the petitioner is not only specifically named in the FIR rather he is the main accused who had caused knife blows to the deceased, which resulted in the death of deceased-Mukesh @ Munna. It is submitted that the weapon of offence has also been recovered from the petitioner. He, on instructions, has submitted that out of total 23 prosecution witnesses, 08 witnesses have been examined including the complainant and the injured witnesses. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 26.12.2022. As submitted before this Court, out of total 08 accused, 07 co-accused are already on bail. As deposed by injured/eye-witness Rishab, the deceased was facing criminal trial in murder cases. The material witnesses already stand examined. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 08 months and 19 days as on 16.09.2025. It further reflects that the petitioner has no criminal antecedents. 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. The trial of the case will take sufficiently long time. 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. 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.

17.09.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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