



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

112

**CRM-M-56871 of 2024
Date of Decision: 19.11.2025**

Arun @ Karan @ Varun

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

Mr. P.S. Chauhan, Advocate for complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 439 Cr.P.C. (Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023) is for grant of regular bail to the petitioner in case FIR No.101 dated 22.05.2021 registered under Sections 302, 118, 120-B of IPC and Section 25 of the Arms Act, at Police Station Sector-6 Dharuhera, District Rewari.

2. Brief facts of the present case as per case of the prosecution are that, the petitioner along with co-accused, in a pre-planned conspiracy committed murder of Kanwar Singh-brother of complainant. Hence the present FIR.

3. Learned senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends

that neither the petitioner was named in the FIR nor any role was attributed to



him by the complainant qua his involvement in the alleged occurrence. The petitioner has no concern with the co-accused and the persons who had allegedly murdered Kanwar Singh. Learned counsel for the petitioner submits that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused on 27.05.2021. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible in evidence. He further submits that the petitioner was arrested on 31.03.2024 and in the Challan presented by the Police, the only role attributed to the petitioner is that he had sold the alleged weapon of offence i.e. Pistol along six live cartridges to co-accused Vishal for Rs. 65,000/-. He further submits that Challan was presented against the petitioner on 04.05.2024 and out of 30 witnesses only 2 have been examined till date. He further submits that the trial may take quite a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. There are no chances of his absconding, therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned senior counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and he had provided weapon of offence which was used in committing murder of Kanwar Singh. He further submits that the petitioner is also involved in multiple other cases meaning

thereby he is a habitual offender.



6. Learned counsel for the complainant too has opposed the bail petition of the petitioner by submitting that the petitioner had actively conspired together with the co-accused to commit murder of brother of complainant. Thus, he does not deserve any concession from this court.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that the petitioner is in custody for the last more than 01 years and 06 months; he has been named in the disclosure statement; only two prosecution witnesses has been examined till date and the trial is proceeding at snail's pace; as such no useful purpose would be served by detaining him in further custody.

8. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.*



10. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

12. The present petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

19.11.2025
D.Bansal..

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