



**218-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-58846-2024

Date of decision : 04.03.2025

Abhimanyu @ Manu

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sarfraj Hussain, Advocate
Mr. Deepak Bhardwaj, Advocate and
Mr. Sarvjeet Singh Thakur, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Rajesh Sethi, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. This is the fourth petition filed by the petitioner praying for grant of regular bail in case FIR No.161 dated 13.04.2019, under Sections 302, 148, 149 IPC (216, 323, 120-B & 34 IPC added later on), registered at Police Station Baldev Nagar, District Ambala.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Amandeep Singh Singh S/o Jagga Singh. It was alleged that on 12.04.2019, he along with his brother-in-law, namely, Hardeep Singh and friends, namely, Avtar Singh and Sukhdeep Singh went to Ambala in the Car of Hardeep Singh. There, his brother-in-law, Hardeep Singh was talking on phone with someone and at around 9:30 pm in the night, Kamaljeet Singh S/o Mangu along with 7-8 companions who were armed with binda, swords, rod, iron etc. reached at the spot and on reaching, Kamaljeet raised a *lalkara* to teach a lesson to Avtar Singh for helping Harpreet Singh. On this all persons attacked Avtar Singh with the weapons they were armed with, Avtar Singh



fell down in the fight and he also sustained injuries on his head, arm and waist. His brother-in-law, Hardeep Singh tried to intervene in order to rescue them but Kamaljeet Singh etc. had caused injuries to his brother-in-law as well. On raising alarm, the assailants escaped along with the weapons from the scene of occurrence. They were shifted to Government Hospital, Ambala for treatment from where Avtar Singh was referred to Sector-32, Government Hospital, Chandigarh, however, he succumbed to injuries. It was also alleged that in the marriage of Narender Singh, who is brother of Kamaljeet Singh, about 2 ½ years back a fight had taken place between brother of Harpreet Singh, in which Avtar Singh had allegedly helped his brother and hence, there was a motive to kill Avtar Singh. Request was made to take legal action against both the assailants. On registration of FIR, the investigation commenced. During investigation, accused-Narender Singh was arrested, who made a disclosure on 18.04.2019 to the effect that Abhimanyu @ Manu (petitioner) was also part of the assailant team, hence, he was also arrayed as an accused. He was arrested on 30.04.2019. The petitioner approached the Learned Additional Sessions Judge, Ambala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Ambala vide order dated 15.09.2022. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-2648-2021, CRM-M-18469-2022 and CRM-M-18565-2023 but the same were dismissed as withdrawn vide orders dated 23.08.2021, 09.05.2022 and 01.03.2024, respectively. Hence, the petitioner is before this Court by way of filing of present fourth petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended



that the petitioner has been falsely implicated in the present case. He submits that the petitioner is neither named in the FIR, however, he has been arrayed as an accused on the basis of disclosure statement made by co-accused, Narender Singh. He submits that the petitioner is behind bars since 30.04.2019. It is submitted that except the disclosure statement of the co-accused there is no material evidence collected by the prosecution qua the petitioner and hence, the case against the petitioner is virtually without any evidence. He submits that co-accused, Narender Singh, had already been released on bail by trial Court vide order dated 15.09.2022 and the case of the petitioner is on much better footing than that of the co-accused. He submits that *de hors* the allegations made in the petition, the custody of the petitioner is virtually about 06 years and till date the prosecution has not been able to conclude the trial. It is submitted that the speedy trial is the fundamental right of every accused and the material witnesses already stand examined. Thus, in the facts and circumstances of the case the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the case of the prosecution is based on eye-witness account and the petitioner has played an active role along with the co-accused. It is submitted that the deceased had suffered 06 injuries and the petitioner having played an active role in committing the murder, there is no ground to grant bail to the petitioner. He further submits that this is the fourth petition that has been filed by the petitioner for grant of bail and there is no change in circumstance in entertaining the present petition.

5. Per contra, learned State counsel has also opposed the submissions made by the counsel for the petitioner and submits that the



petitioner had not only participated in the occurrence but had also caused injuries to the deceased. However, he submits that the name of the petitioner was disclosed by the co-accused during his disclosure. He submits that out of total 33 prosecution witnesses, 08 have already been given up and as on date 10 witnesses have been examined. He placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place about 06 years back. The petitioner though was not named in the FIR, however, his name surfaced during the disclosure and thus, he was arrested on 30.04.2019 since then he is behind bars. There is no denial to the fact that co-accused, Narender Singh, has already been released on bail by the trial Court. This Court finds that the trial is in progress since last 06 years. The petitioner though is an accused in a murder trial, however, the speedy trial is his fundamental right. The prosecution has no plausible answer regarding the delay in the trial. The custody certificate produced would show that the petitioner has completed an actual incarceration of 05 years, 10 months and 01 day as on 02.03.2025. It further reflects that he has no criminal antecedents.

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. 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. 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.

04.03.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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