

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

219

**CRM-M-56198-2025
Decided on : 12.12.2025**

Mohammad Shahjahan @ Sajan @ Shahzahan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ramandeep, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.85 dated 22.05.2020, registered under Sections 148, 149, 506, 302, 201 IPC, Section 27 of the Arms Act (Challan presented under Sections 302, 148, 149, 506, 201 IPC and Section 25 of the Arms Act), at Police Station Anaz Mandi, District Patiala.

2. As per prosecution story, the petitioner alongwith co-accused committed the murder of Shamsher Singh, brother of complainant Devinder. Hence, the present FIR.

3. Learned counsel for the petitioner has filed the statements of PW-3 Deepak Kumar and PW-4 Parveen Kumar today in the Court, which are taken



on record. He contends that the petitioner is innocent and has been falsely implicated in the present FIR. He further contends that no specific injury has been attributed to the petitioner. Learned counsel contends that PW-1 Devinder (complainant), PW-2 Vansh Kumar, PW-3 Deepak Kumar and PW-4 Parveen Kumar while appearing as witnesses before the trial court, have not supported the prosecution case and have turned hostile. The petitioner is in custody since 29.11.2022. Nothing is to be recovered from him. The investigation in the case is complete; challan stands presented; charges have been framed and out of 37 prosecution witnesses, only 04 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed custody certificate which is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he is involved in the heinous crime of murder of the brother of the complainant. However, he has not controverted the fact that the complainant and three other prosecution witnesses have not supported the case of the prosecution and have turned hostile. Learned State counsel further submits that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the complainant and other material witnesses have not supported the prosecution case and have turned hostile. The petitioner is in custody for the last more than 03 years and 09 days;

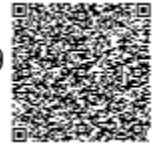


investigation is complete; challan stands presented; charges have been framed; out of 37 prosecution witnesses, only 04 have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody especially in the facts and circumstances of the present case. His further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

7. 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.

8. 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.

9. As regards the submission of learned State counsel that petitioner is involved in other/another 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."

10. 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.

12.12.2025

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

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