



CRM-M-57259-2025

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

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**CRM-M-57259-2025
Decided on : 04.12.2025**

Harwinder Sharma @ Channi @ Rattan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Sparsh Chhibber, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant 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.73 dated 11.03.2023 registered under Sections 304, and 34 IPC (Section 201 IPC added lateron), at Police Station B-Division, District Police Commissionerate, Amritsar.

2. Brief facts of the present case are that the petitioner in connivance with other accused murdered one Sunny Mishal (son of the complainant) by administering some intoxicating substance. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner has no concern with the said offence. He contends that the co-accused Manpreet Singh alias Mani and Navdeep Singh alias Jimmy have already been granted the concession of regular bail by a Coordinate Bench of this Court as



well as by this Court vide orders dated 26.09.2025 and 01.12.2025 respectively. He further argues that no specific role is attributed to the present petitioner and the entire story is based on suspicion. He contends that as per report of chemical examiner, no poison was detected in the body of deceased Sunny and the cause of death is due to the aspiration causing asphyxia and cardiac arrest. The petitioner is in custody since 29.03.2023. The investigation in the case is complete, challan stands presented; charges have been framed and out of 24 prosecution witnesses, only 02 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has actively participated in the crime. He argued that the petitioner along with co-accused persons had brought dead body of the deceased Sunny Mishal to Civil Hospital Sangrur and thereafter, fled away from the spot, leaving the dead body of the deceased in the hospital and hence, there are specific allegations against him. He has further submitted that the petitioner is also involved in one more case 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 is evident that the petitioner is in custody for the last 02 years and 08 months and 02 days; co-accused Manpreet Singh alias Mani and Navdeep Singh alias Jimmy have already been granted the concession



of regular bail; investigation is complete; challan stands presented; charges framed have been framed; out of 24 witnesses, only 02 have been examined till date; the trial is proceeding at snail's pace and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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/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."

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.

04.12.2025

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

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

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