



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

244

**CRM-M-57895-2025
Decided on : 02.12.2025**

Krishan Kant Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
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. 22 dated 29.01.2024, registered under Sections 147, 148, 302 IPC and Sections 25, 27 and 54 of the Arms Act (Sections 149, 323, 120-B IPC added lateron), at Police Station Sector 37, Gurugram.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused committed murder of one Akash. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Learned counsel further contends that initially, the knife injury caused to Akash was attributed to the petitioner, however, on the same day, two eye witnesses namely Pratham and Gaurav made a separate statement that co-accused Nikhil caused knife injuries to Akash,



hence the prosecution story is highly improbable and no specific role has been attributed to the petitioner. He contends that the said co-accused Nikhil and Sachin have already been granted the concession of regular bail by this Court as well as by a Coordinate Bench of this Court vide orders dated 28.11.2025 and 18.08.2025 respectively. He also argues that complainant/eye witnesses alongwith material witnesses have turned hostile. To lend force to his contention, learned counsel has drawn the attention of this Court to the statements of PW- 1 to PW-7 (Annexures P-6 to P-12) made before the trial Court, wherein none of them have supported the case of the prosecution and failed to identify the petitioner as the assailant. Learned counsel submits that the petitioner is a B.Com. student having clean antecedents and is in custody since 29.01.2024. He further submits that investigation in the case is complete, charges have been framed and there are total 35 prosecution witnesses and out of which, only 08 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. He further submits that nothing is to be recovered from him. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner had played an active role in crime and when co-accused Nikhil stabbed Akash, the petitioner had caught hold of him from behind. However, he has not controverted the fact that the complainant as well as the eye witnesses including the material witnesses have turned hostile and the fact that the petitioner is not



involved in any other case.

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 last more than 01 year 10 months and 01 day; investigation is complete; challan stands presented; charges have been framed; complainant/eye-witnesses and other material witnesses have not supported the case of the prosecution before the trial Court; out of 35 witnesses, only 08 have been examined till date and the fact that the trial may take a long time to conclude, 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. 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.*

7. More recently, in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, the 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”.

8. 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.

02.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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