



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

**CRM-M-59788-2025 (O&M)
Date of decision : 07.11.2025**

Ashish

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

CRM-42598-2025

Application is allowed as prayed for.

CRM-M-59788-2025

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail to him in case FIR No.0239 dated 28.03.2023, under Sections 302, 323, 328, 34 of IPC, 1860 (Section 201 IPC added later on), registered at Police Station Rohtak City District Rohtak.

2. Succinctly facts of the case are that FIR has been registered on the statement of Anil Kumar. It was alleged that on 26.03.2023, his brother Ashish (deceased) aged 23 years had gone at the house of Rishi and his brother Ashish (petitioner) both sons of Balbir. On 27.03.2023, Sumit called on the mobile of Ashish (deceased) but he did not pick up the call. Later on, he got an information that his brother died and he was taken by Rishi and his brother to PGIMS Rohtak in auto-rickshaw. It was suspected that his brother Ashish was administered poison by giving beatings by both Rishi



and Ashish along with Ravi and Monu. Postmortem of the dead body of Ashish was conducted. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. During investigation, Ravi and Monu were found innocent. Petitioner was arrested on 31.03.2023. On completion of the investigation, challan was filed. On framing of charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge, Rohtak praying for grant of bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, declined the same vide order dated 20.09.2023. Thereafter, petitioner earlier approached this Court by way of filing CRM-M-50637-2024 however, the same was allowed to be dismissed as withdrawn vide order dated 08.04.2025. Hence, petitioner is before this Court by way of filing the present second petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that petitioner has been implicated in this case on the basis of presumptions and assumptions. He submits that the ocular version is not even medically corroborated as the cause of death of the deceased was due to consumption of poison. He further submits that bottle of Methodone was allegedly recovered from the petitioner whereas, as per the chemical report, no common poison was detected in the body of the deceased. He submits that from the overall facts and circumstances of the case, it is apparent that the offence under Section 302 IPC is not even made out against the petitioner. It is submitted that petitioner has no criminal antecedents and he is in custody since the date of his arrest however, till date prosecution is not able to examine even a single witness and thus, right of speedy trial is totally defeated in this case. He submits that in the overall facts and



circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioner and his brother, co-accused had taken the deceased from his home and thereafter, he died in their company. He submits that the mobile phone of the deceased was also recovered from the petitioner. He further submits that petitioner and co-accused in a clandestine manner had thrown the dead body of the deceased in front of PGIMS, Rohtak. He submits that the case of the prosecution is medically corroborated. He, on instructions, submits that out of 26 prosecution witnesses, no witness has been examined till date. He has placed on record custody certificate of the petitioner which shows that petitioner has undergone actual sentence of 02 years, 07 months and 06 days as on 06.11.2025. It further reflects that petitioner is not involved in any other case.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on circumstantial evidence. The cause of death as argued before this Court is poison. This Court would refrain from commenting anything on the arguments advanced that whether offence is made out under Section 302 IPC or not. Custody certificate placed on record shows that petitioner has undergone actual sentence of 02 years, 07 months and 06 days as on 06.11.2025. It further reflects that petitioner is not involved in any other case. As submitted out of 26 prosecution witnesses, none has been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

6. 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.”

7. 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.

8. 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. 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.

07.11.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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