



257

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

CRM-M-66949-2025

Date of decision : 04.12.2025

Sachin

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.464 dated 03.09.2019, under Sections 307, 332, 353, 186 of IPC and Section 25 of Arms Act, registered at Police Station Sadar Ballabhgarh, District Faridabad.
2. Succinctly, the facts of the present case are that the police party, while on patrolling on 03.09.2019, received a secret information to the effect that Sachin (petitioner) S/o Naval Kishore who was wanted in a murder case and other criminal cases would be going to meet one of his associate from Faridabad via National Highway on an Apache motorcycle bearing No.UP-8055. It was informed that he was wearing a black T-Shirt and if the barricading is laid, he could be arrested. On receiving the information, barricading was laid and the motorcycle, as disclosed, was seen coming. The person driving the motorcycle, on seeing the police, got perplexed and tried to accelerate the vehicle to escape, however, he was chased by the police party. When the police tried to stop him, instead of surrendering, he started firing at the police party. In retaliation the police



also fired. In the cross-fire, the petitioner was shot in his right leg and he fell down from the motorcycle the police arrested him. The FIR was registered. As he was injured, he was shifted to the hospital and got medico legally examined. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Learned Additional Sessions Judge, Faridabad praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Faridabad vide order dated 22.09.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the petitioner is facing prosecution in more than 20 cases and it is on account of the same the petitioner has been roped in the present case. He submits that the present story has been cooked-up by the Police, wherein allegations have been made against the petitioner that he fired, however, there is no corroboration regarding the ocular version. He submits that neither any police official nor any passerby was injured by the alleged fire of the petitioner, however, it is the petitioner who himself got injured by the police firing. It is submitted that the petitioner is behind bars since the date of his arrest and thus, he has completed an incarceration of more than 06 years. He submits that *de hors* the allegations, the petitioner has a fundamental right of speedy trial, despite being behind bars from last 06 years, there is no material progress in the trial. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender who is facing prosecution in more than 20 cases. She submits that there was a specific secret information regarding the petitioner and thus, when police party tried to arrest him, instead of surrendering, he opened fired upon the police party and in the cross-fire he got injured and thus, he was taken into police custody. She, on instructions, has submitted that out of total 19 prosecution witnesses, only 03 witnesses have been examined. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was taken into custody on 05.09.2019. Evidently, there is no injury by the alleged fire made by the petitioner, however, during the incident, it is the petitioner who got injured. As per custody certificate of the petitioner, he has suffered an incarceration of 06 years, 03 months and 01 day as on 03.12.2025. During these 06 years, out of total 19 witnesses, only 03 witnesses have been examined so far. There is no gain saying that petitioner, *de hors* the cases in which he is already facing trial, has a fundamental right of speedy trial. The long custody of the petitioner itself is sufficient for considering his bail in the present case.

6. 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.

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 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.
10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

04.12.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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