



CRM-M-5147 of 2026

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

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CRM-M-5147 of 2026

Date of Decision: 17.04.2026

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Shikhar Goel, Advocate and
Mr. Sahil Rathour, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Pradeep Duhan, Advocate and
Ms. Ishita Arora, Advocate
for the complainant.

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.175 dated 11.04.2023 registered under Sections 148, 149, 323, 324, 307 and 506 of IPC (Section 25 of the Arms Act and Section 302 of IPC added later on), at Police Station Kheripul, District Faridabad.

2. Brief facts of the present case are that the petitioner in connivance with other co-accused has made deadly assault on complainant and his family and committed the murder of son of the complainant. Hence,



the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further argued that the petitioner was roped in the FIR only on the basis of suspicion without any concrete evidence. He argued that even if the contents of the FIR are taken to be true, even then no specific role/injury has been attributed to the present petitioner. He further argued that role of the petitioner is only limited to the use of motor-cycle used to cause assault on family members of the complainant and the same attracts only Sections 323/324 of IPC. He further argued that Section 302 of IPC was added by the prosecution later on only to make the offence graver. Further, co-accused Vidya Devi, Rahul and Vijaypal have already been granted the concession of regular bail by Hon'ble the Supreme Court. No recovery is to be effected from him. The petitioner is in custody since 13.04.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 39 prosecution witnesses and out of them, 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. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he is involved in the heinous crime of murder of the deceased. She has further argued that



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recovery of weapon i.e. danda has also been recovered from the petitioner.

5. At this stage, learned counsel for the complainant has put in appearance on behalf of the complainant and filed his Vakalatnama, which is taken on record. He, while opposing the prayer for grant of regular bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. 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 more than 03 years; similarly placed co-accused have been granted bail by the Hon'ble Supreme Court; investigation in the FIR is complete; challan stands presented; charges framed; out of 39 witnesses, only 08 have been examined till date; the complicity of the petitioner is a matter of trial; which 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 trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. 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 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 his 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*".



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8. 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.

9. 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.***

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.

(RUPINDERJIT CHAHAL)
JUDGE

17.04.2026

D.Bansal

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