



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

CRM-M-4927-2026

Date of decision : 07.05.2026

Jhunnu Kumar

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.471 dated 25.11.2022, under Sections 302, 34 of the IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali), Punjab.

2. Succinctly, facts of the present case are that the FIR has been lodged on the statement of Raj Bahadur. It was alleged that he is working in Mahajan Furniture Mall, Kalgidhar Enclave, Baltana and he was married to Savitri Devi about 15 years ago and she died due to COVID-19 pandemic in the year 2020. His mother-in-law (i.e. mother of Savitri Devi) took away his Children to UP and after that in the year 2021, he solemnized second marriage with Gyatri Devi, who had obtained divorce from her first husband. He further stated that he along with his wife Gyatri Devi used to reside at room (Chobara) in village Ekta Vihar, Baltana for about last 5 years and in his adjoining room one Pawan Singh Rana was residing along with his wife Saloni for the last about 1 year who were having 5 months old daughter and they have common Bathroom. His wife



Gyatri Devi used to clean the bathroom and on account of cleaning of bathroom, there were some differences between his wife and wife of Pawan Singh Rana. It was further alleged that some unknown person came and started residing with Pawan Singh Rana about three days back and on said day at about 10:00 AM, he went for his work and at about 2:00 PM when he called his wife Gyatri on his mobile number, she did not respond. It was alleged that when he reached home, he found that his room was lying locked and the said lock was not his lock and then he went to his mother Rameshwari at Ekta Vihar where she is working. He brought his mother along with him and broke open the lock and discovered that his wife was lying in the pool of blood on the bed and her throat was slit with some sharp edge weapon. He raised alarm, due to which, people from vicinity gathered and after some time, police also reached on the spot. When he inquired about Pawan Singh Rana and found that said Pawan Singh Rana along with unknown person had fled away. Hence, request was made to take legal action against the accused. Thus, the FIR was registered. On registration of FIR, investigation commenced. During investigation, complicity of the petitioner surfaced on the basis of disclosure statement of co-accused, namely, Pawan Singh Rana and resultantly, petitioner was arrested on 09.12.2022. On completion of investigation, challan was presented and on framing of charges, the trial commenced. Petitioner approached the learned Vacation Judge-Additional Sessions Judge, SAS Nagar, for grant of bail, however, after hearing both the sides, the said relief was declined vide order dated 19.06.2023. Being aggrieved, petitioner is before this Court by way of filing the present petition for grant of concession of regular bail.



3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has contended that the case of the prosecution is admittedly, based on the circumstantial evidence. He has submitted that the alleged occurrence has taken place during day-time on 24.11.2022 and the brother of the petitioner namely, Pawan Singh Rana, was alleged to have dispute over the bathroom with the family of the deceased. He has submitted that the dead body of the deceased was found locked in her house and on the basis of suspicion, the petitioner along with his brother, has been implicated in the present case. He has submitted that the locality where the occurrence has taken place is a thickly populated area and there is no possibility of there being no other witnesses to the scene. He has contended that the petitioner without there being any credible evidence against him, has been arrested and he is behind the bars from last about 3½ years and thus, the fundamental right of the petitioner is miserably defeated in this case. To buttress his arguments, learned counsel has submitted that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. He thus, has submitted that the the petitioner be granted the concession of regular bail.

4. Learned State counsel has, however, opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner along with the co-accused, in a well hatched conspiracy, has killed the wife of the deceased. He has submitted that there was a motive with the petitioner and his brother, for which the dispute had taken place and they killed the wife of the complainant. He has submitted that during investigation, the weapon of offence i.e. blood stained knife was



recovered on the disclosure statement of both the accused. He has submitted that as per the FSL report, the blood found on the knife, matched with that of the deceased. He has submitted that it is established during investigation that brother of the petitioner i.e. co-accused Pawan Singh Rana, caught hold the deceased, whereas, the petitioner slit the throat of the deceased. He, on instructions, has submitted that out of 20 prosecution witnesses, 09 witnesses have been examined. He 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 case of the prosecution is evidently based on circumstantial evidence. The occurrence has taken place during day-light on 24.11.2022. The dead body has been found from the house of the deceased which was found locked from the outside by the complainant-husband. The petitioner along with co-accused have been suspected to be the accused behind the murder as they used to dispute over the common bathroom. As submitted out of 20 prosecution witnesses, 09 witnesses already stand examined. The State has argued before this Court that the weapon of offence has been recovered. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 03 years, 04 months and 27 days as on 06.05.2026. It further reflects that the petitioner is not involved in any other case. Needless to say that every accused has the fundamental right of speedy trial.

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.

07.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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