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

CRM-M-8913-2025

Date of decision : 22.05.2026

Ashu @ Hukka

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

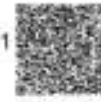
Present :- Mr. Arun Kumar, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.227 dated 26.06.2020, under Sections 302, 201, 120-B & 34 of IPC and Section 25(1B)(a) of Arms Act, registered at Police Station City Sohna, Gurugram.

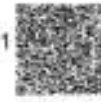
2. As per the facts of the case, the present FIR was lodged on the statement of complainant, namely, Narender. It was alleged that on 26.06.2020 at around 10:30 A.M., complainant and his brother Virender were present at their house and in the meantime, one white Alto car stopped in front of their house in which two young boys were present. It was alleged that those two boys were armed with weapons and they started firing upon his brother. It was alleged that 08-10 bullets were shot at his brother and his brother succumbed to the bullet injuries. It was alleged that both the young boys fled from the spot with their respective weapon. Thus, request was made to take legal action against the accused persons. On registration of FIR, investigation commenced. The petitioner was arrested on 04.02.2021. The petitioner approached the learned



Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 29.10.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was named in the FIR nor any any overt act has been attributed to him. He submits that the alleged occurrence had taken place on 26.06.2020 and at that time, the petitioner was admittedly behind bars in some other case. He submits that during investigation, the petitioner has been roped in the present case on the disclosure statement of co-accused, which is not even an admissible evidence. He submits that the petitioner has been alleged to be a part of the conspiracy and on account of the same, he has been roped in the present case. He submits that co-accused, namely, Amit Dagar and Lalit and others, who had allegedly played an active role in the commission of offence, have already been granted bail by this Court. He submits that merely on the basis of presumptions and assumptions, the petitioner was arrested on 04.02.2021 and he is behind bars from the last more than 05 years. He submits that despite the long incarceration, there is no progress in the trial and thus, the fundamental right of speedy trial of the petitioner is miserably defeated. He thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits the petitioner

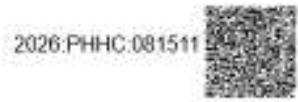


is a habitual offender who is facing prosecution in multiple cases including heinous offences. He submits that the petitioner while being already in custody hatched a conspiracy with the co-accused and provided one shooter to kill deceased, namely, Virender. He, on instructions, submits that out of total 42 prosecution witnesses, only 06 witnesses have been examined so far. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the petitioner was behind bars at the time of alleged occurrence. Name of the petitioner has been roped in the present case on the basis of disclosure statement of co-accused, wherein he has been alleged to be a part of the conspiracy. Co-accused, namely, Amit Dagar and Lalit and others, have been granted the concession of bail by this Court. The custody certificate produced would show that the petitioner has suffered an incarceration of 05 years, 03 months and 18 days as on 21.05.2026. It further reflects that though the petitioner is involved in other cases as well, however, in majority of the cases, he has been acquitted/on bail or has undergone the sentence, awarded. There is no gain saying that *de hors* the cases in which the petitioner is facing prosecution, he has the fundamental right of speedy trial however, till date only 06 witnesses have been examined so far.

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



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, primarily the long incarceration of the petitioner, 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.

22.05.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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