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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12263 of 2026
Date of Decision: 01.04.2026

Devender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ashit Malik, Sr. Advocate with
Mr. Abhinav Kansal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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.422 dated 30.11.2021 registered under Section 302 of the IPC and Section 27 of the Arms Act, at Police Station Murthal, District Sonapat.
2. Brief facts of the present case are that the petitioner has committed murder of his wife-Reena. Hence, the present FIR.
3. Learned senior counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the death of the deceased. He further argued that the petitioner was roped in the FIR only on the basis of suspicion without any concrete evidence. He submitted that the material witnesses including the complainant



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have not supported the case of the prosecution and have been declared hostile during their cross-examination. To lend force to his contention, he has drawn the attention of this Court to the statement of complainant/Parveen Kumar (brother of the deceased) (Annexure P-1), material witness Rahul (nephew of the deceased) (Annexure P-2) and Jony Tyagi (brother of the deceased) (Annexure P-3) made before the trial Court wherein none of them have supported the case of the prosecution and have turned hostile. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. The petitioner is in custody since 02.12.2021. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 24 prosecution witnesses and out of them, only 16 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 filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and is involved in the heinous crime of murder of his wife (Reena). However, she could not controverted the fact that the petitioner is a first time offender as he is not involved in any other case and that the complainant and other material witnesses have resiled from their statements and turned hostile.



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5. 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 04 years and 04 months; he has clean antecedents; material witnesses including the complainant have not supported the case of the prosecution and have turned hostile before the trial Court; investigation is complete; challan stands presented; charges framed; out of 24 witnesses, only 16 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.

6. 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*".

7. 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.



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8. 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.***

9. 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

01.04.2026
D.Bansal

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