



CRM-M-14180-2025

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

CRM-M-14180-2025 (O&M)

Date of Decision: 09.03.2026

Narendra Bainsla @ Narender Bainsla @ Narendra Bansal
..... Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.S.Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate,
Ms.Prachi Gupta, Advocate and
Mr. Sukhsharan Sra, Advocate, for the petitioner.
Mr. Sumit Jain, Addl. AG, Haryana.
Mr. Randhir Singh Hooda, Advocate, for
the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.550 dated 09.09.2020, registered under Sections 346, 364, 302, 201, 34 IPC (Section 346 IPC deleted and Sections 364, 302, 201, 34 IPC added lateron), at Police Station Palla, District Fatehabad.
2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Sachin Bashista. It was alleged that brother of the complainant Rajat Bashistha went for morning walk at about 7:00 a.m., however, he did not return. Thus, request was made to trace out his brother. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and he was arrested on 11.09.2020. He made a disclosure statement that Alka, wife of Rajat, was his classmate and they loved each other, but she was got married with Rajat and however, they were in contact with each



other even after her marriage. Alka told him that she did not like Rajat and wanted to kill him. Subsequently, they allegedly conspired and murdered Rajat while he was asleep, and disposed of his body by throwing it into a dirty sewer in the district of Bagpat, Uttar Pradesh. Thereafter, dead body of Rajat was recovered and postmortem was conducted. On completion of investigation, the challan was presented and the on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 04.03.2025. Earlier, the petitioner approached this Court by way of filing CRM-M-39226-2021, however, the same was dismissed as withdrawn, vide order dated 20.07.2023. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition

3. It has been vehemently contended by learned Senior Counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that admittedly the case of the prosecution is based on the circumstantial evidence. It is contended that the petitioner was arrested on 11.09.2020 without there being any evidence against him and thereafter, prosecution planted recovery of dead body on his statement. He contends that once the case of the prosecution is based on the circumstantial evidence, prosecution is bound to complete the chain of evidence, whereas, the present case is bereft of any credible evidence against the petitioner. He has advanced arguments that *de hors* the allegations made against the petitioner, he is behind the bars from the last more than 5½ years, but till



date prosecution has not been able to examine half of the witnesses and thus, his right of speedy trial has been miserably defeated. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents, as he has never been involved in any other case. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned Senior Counsel for the petitioner. He has submitted that dead body was recovered on the disclosure statement made by the petitioner and weapon of offence and clothes of the deceased were also got recovered from the petitioner. He submits that the car used in the offence was also recovered from the petitioner. On instructions, he submits that out of total 33 prosecution witnesses, 09 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by learned Senior Counsel for the petitioner. He has submitted that the petitioner alongwith the wife of the deceased in a well hatched conspiracy, eliminated the brother of the complainant. He submits that dead body was also recovered on the disclosure statement of the petitioner. He submits that the petitioner and wife of the deceased, who is co-accused in the present case, are behind the bars.

6. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly, the case of the prosecution is based on the circumstantial evidence. Evidence collected by the prosecution primarily are recovery of dead body, weapon of offence and the vehicle used in the



offence. The custody certificate would show that the petitioner has suffered incarceration of 05 years 05 month & 23 days as on 07.03.2026. It further shows that the petitioner has no criminal antecedents. Out of 33 prosecution witnesses, nine witnesses have been examined. *De hors* the gravity of the offence, this Court cannot ignore the long custody of the petitioner as speedy trial is the fundamental right of every accused.

7. As per law settled, speedy trial to the petitioner despite his involvement in multiple cases cannot be taken away. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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 veracity of the allegations would be assessed only after the 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 sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned Senior Counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

10. 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.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

	(RAJESH BHARDWAJ)	
	JUDGE	
09.03.2026	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No