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

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Date of Decision: 07.05.2026

Nikhil

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sushil Jain, Advocate
for the appellant.

Mr. Mohit Chaudhary, AAG, Haryana.

Mr. Chirag Sharma, Advocate
for respondent No.2/complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Present appeal is directed against the order dated 23.02.2026 passed by the Additional Sessions Judge, Sonapat dismissing the application of the appellant for grant of regular bail in case FIR No.395 dated 15.11.2024 registered under Section 127(6) of the Bharatiya Nyaya Sanhita, 2023 (Sections 103(1), 140(3) and 238(A) of the BNS added later on) and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (Amendment Act) (For short hereinafter referred to as 'SC/ST Act'), at Police Station Sonapat City, District Sonapat.
2. Brief facts of the present case are that the appellant along with other co-accused has committed the murder of one Nikhil (son of the

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complainant). Hence, the present FIR.

3. Learned counsel for the appellant has submitted that the appellant has been falsely implicated in the present case and initially, FIR was registered against unknown person. He further submitted that the appellant was neither named in the FIR, nor has any concern with the death of the deceased. It has also been contended that the appellant has been nominated as an accused only on the basis of the disclosure statement made by co-accused Nikki and Ashif. Apart from the disclosure statement, there is no other evidence to connect the appellant with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further submitted that the material witness including the sister of the deceased have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statement of Karishma (sister of the deceased) (Annexure A-5) made before the trial Court wherein she had not supported the case of the prosecution and has turned hostile. No recovery is to be recovered from him. The appellant is in custody since 29.11.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 28 prosecution witnesses and out of them, only 12 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 appeal deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the appellant and status report in the matter, which are taken on



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record and while referring to the status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the appellant is serious in nature and he is involved in the heinous crime of murder of the deceased. He has further submitted that the appellant is involved in one more case meaning thereby he is a habitual offender.

5. Learned counsel for respondent No.2/complainant has not opposed the bail of the appellant and submits that he has no objection if the present appeal is allowed.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the appellant is in custody for the last more than 01 years and 05 months; material witnesses including the sister of the deceased have not supported the case of the prosecution and has turned hostile before the trial Court; investigation is complete; challan stands presented; charges framed; out of 28 witnesses, only 12 have been examined till date; no objection from respondent No.2/complainant; the complicity of the appellant 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



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of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

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. As regards the submission of learned State counsel that appellant is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the appellant cannot be rejected solely on the ground that the appellant is involved in other/another

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case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. In view of the above, the present appeal is allowed and the appellant 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.

07.05.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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