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

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Date of Decision: 22.01.2026

Gajraj @ Gajju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mohd. Seeshan Khan, 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.178 dated 24.06.2020 registered under Sections 302 and 34 of IPC and Sections 25, 54 and 59 of Arms Act (Sections 201 and 120-B of IPC added later on), at Police Station Sadar Tauru, District Nuh.

2. Brief facts of the present case are that due to some previous enmity, the petitioner along with other co-accused, hatched a conspiracy and fired a gunshot at the head of Surajpal-son of the complainant, due to which he died.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said incident. He argued that the petitioner was neither present at the

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spot nor was named in the FIR and initially, the FIR was registered against unknown persons. He further argued that the petitioner was not seen in the CCTV footage and there was no call detail reflecting that he was connected with the crime in any way. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Dharmender @ Chhota. Apart from the disclosure statement, there is no other evidence to connect the petitioner 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 argued that the complainant has not supported the case of the prosecution. To lend force to his contention, he has drawn the attention of this Court to the statement of the complainant-Meena Devi (Annexure P-9), made before the trial Court wherein she had not supported the case of the prosecution and have not identified the petitioner to be the person who caused injuries to the deceased-Surajpal. Further, co-accused Soyab, Dharmender @ Chota and Pawan have already been granted the concession of regular bail by the learned trial Court, vide orders dated 20.05.2022, 31.08.2024 and 03.09.2024, respectively. The petitioner is in custody since 23.09.2020 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 41 prosecution witnesses in the case and out of which, 10 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.



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4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the status report, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argued that the petitioner conspired with other co-accused and got committed the murder. She further argued that apart from that, he was specifically named in the disclosure statement of co-accused Dharmender @ Chhota, which itself shows the involvement of the present petitioner in the alleged crime. She has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender. However, she has not controverted the fact that the complainant herself has not supported the case of the prosecution and turned hostile.

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 05 years; investigation is complete; challan stands presented; charges framed; out of 41 witnesses, only 10 have been examined till date; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody especially when the complainant has not identified the petitioner as the person who inflicted injuries upon the deceased. His continued detention without the prospect of the 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,***



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wherein 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.

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 (CrI) 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 (CrI) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

9. As regards the submission of learned State counsel that petitioner 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



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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 petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another 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."

10. 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

22.01.2026
D.Bansal

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