



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

**CRM-M-17014-2026 (O&M)
Date of decision : 24.04.2026**

Vishal

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Navjot Kaur, Advocate for Mr. Rahul Sharma, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

CRM-13568-2026

Allowed as prayed for.

Main cases

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.146 dated 27.11.2015, under Sections 395, 397 of IPC and Section 25 of Arms Act, registered at Police Station Raipur Rani, District Panchkula.
2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Aashu Chand. It was alleged that he was working as a salesman at Tirupati Petrol Pump Village Jaspur. It was alleged that on 26.11.2015 at about 8:45 p.m., the complainant and Gaurav Sharma were on duty. While they were sitting in the office, all of a sudden, 7-8 men entered the office and another man stood outside. The miscreants snatched their mobile phones and threatened to kill them if they did not hand over cash to them, whereupon three of them were armed with revolvers and the remaining were armed with dandas. It was alleged that out of them two men wielded revolver like weapon at them and the



remaining accused opened the cash counter and took away all the cash lying therein alongwith one bag lying on the table wherein some documents of the petrol pump were kept, the miscreants allegedly pushed them away and went out of the office. It was alleged that three of the miscreants fled away on the bike of Gaurav Sharma whereas the others ran towards Mouli. It was alleged that thereafter the complainant called Tajinder, owner of the petrol pump and informed him about the occurrence. Thus, the request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. On completion of investigation, challan was presented. On framing of charges, the trial commenced. Petitioner was arrested on 09.10.2024. The petitioner approached the learned Additional Sessions Judge, Panchkula, 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 20.11.2025. Hence, 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 vehemently contended that the petitioner has been falsely implicated in the present case. She submits that initially the petitioner was arrested on 04.01.2015 and thereafter, he was granted the concession of regular bail on 05.09.2016, however, as he remained absent, his bail was cancelled and thereafter, he surrendered on 14.09.2021. She submits that he was granted bail again on 17.11.2021 and due to his non-appearance, his bail was again cancelled on 16.09.2022. She submits that the petitioner is behind bars from last more than 02 years. She submits that rest of the co-accused are on bail. She submits that there is no material progress in the trial and thus, his right of speedy trial is miserably defeated. She submits that though the petitioner



is involved in other cases, however, in some of the cases, he is on bail and in some of the cases he has been acquitted. She thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender who is involved in other cases as well. He submits that the petitioner has been convicted in some of the cases and in the present case he has misused the concession of bail twice. He, on instructions, has submitted that out of total 27 prosecution witnesses, only 04 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that in the present, the petitioner was initially arrested on 04.01.2015 and thereafter, he was granted bail. However, as he remained absent, thus, his bail was cancelled time and again. After cancellation of bail on 16.09.2022, he was arrested on 09.10.2024 and since then the petitioner is behind bars. As per custody certificate, the petitioner has suffered an incarceration of 02 years, 04 months and 17 days as on 23.04.2026. It further reflects that the petitioner is involved in 13 more cases as well, however, in 06 of the cases he is on bail and in 04 cases, he has already undergone the sentence and in 03 cases, has been acquitted. Out of total 27 prosecution witnesses, only 04 witnesses have been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

7. 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. 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.

24.04.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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