



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

CRM-M-17689-2026

Date of decision : 08.04.2026

Sunil @ Shubham

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing of present petition praying for grant of regular bail in case bearing FIR No.158 dated 02.05.2021 under Sections 120-B, 148, 149, 302, 323, 506, 307, 325 of IPC, registered at Police Station Madhuban, District Karnal, Haryana.

2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Narinder Kumar. It was alleged that on 30.04.2021, he was sitting in his village near Goga Maadi. In the meantime, a Scorpio car came there in which 7-8 persons were sitting. The Scorpio stopped near him, then Rinku @ Bholi, Hardeep and Naresh alighted from the same. Hardeep and Rinku @ Bholi caught hold him and Naresh started beating him with the rods and *bindas* on his legs and arms. Rinku @ Bholi also caused injuries with brick, Shishan and Shubham (petitioner herein) also caused injuries with *bindas*. He raised alarm and on hearing hue and cry, his brother Prem and father Singhu Ram rushed to the place and thereafter, the accused escaped from the place of occurrence.



The request was made to take legal action against the accused persons. On the registration of the FIR, investigation commenced. Injured Narinder Kumar shifted to the hospital, where, he succumbed to the injuries on 22.05.2021. Though the FIR was registered earlier for the offence under Sections 323, 148, 149, 506 of IPC, however, after the death of the complainant, the offence under Section 302 IPC was added. The petitioner was arrested on 25.05.2021. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. The petitioner approached the learned Additional Sessions Judge, Karnal for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Karnal declined the bail application vide order dated 11.03.2026. Aggrieved by the same, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of similarly situated co-accused, namely, Naresh and Sukhbir @ Shishan, who have already been granted bail. He has drawn the attention of this Court to the common order dated 22.01.2026 passed by this Court in CRM-M-45504-2025 and CRM-M-47172-2025, whereby co-accused of the petitioner have been granted the concession of regular bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail by this Court.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. However, she submits that though the role



of the petitioner is similar to that of the co-accused, who have been granted bail by this Court, however, the motive for committing the offence was with the petitioner. However, she has endorsed the fact that similarly situated co-accused, namely, have already been granted bail by this Court. On instructions, she has submitted that out of 38 prosecution witnesses, 03 witnesses have been examined so far. She has produced custody certificate of petitioner, today in the Court, which is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. Admittedly, co-accused of the petitioner have already been granted bail by this Court. The role of the petitioner is found to be similar to that of the co-accused who are on bail and the only other argument raised regarding distinguishing the case of the petitioner, is his motive. As submitted by the State, out of 38 prosecution witnesses, 03 witnesses have been examined so far. The custody certificate produced would show that petitioner has suffered incarceration of 03 years, 03 month and 18 days as on 06.04.2026. It further reflects that the petitioner is involved in one more case, however, he has been released in the said case. Needless to say that every accused has the fundamental right of speedy trial.

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.

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. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity with co-accused, who have already been granted regular bail by this Court. 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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

08.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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