



131(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-20987-2025

MohitPetitioner

versus

State of Haryana Respondent

2. CRM-M-31083-2025

Shubham @ GoondaPetitioner

versus

State of HaryanaRespondent

Date of decision: 23.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sahil Choudhary, Advocate (in CRM-M-20987-2025)
Mr. Jagraj Singh, Advocate,
Mr. Ajay Thakur, Advocate and
Ms. Monika, Advocate (in CRM-M-31083-2025)
for the petitioner(s).

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of filing the present petitions praying for grant of regular bail to them in case FIR No.111 dated 10.02.2023, under Sections 120-B, 201, 302, 364, 216 of IPC and Sections 25, 27, 54, 59 of the Arms Act, registered at Police Station Kundli, District Sonipat, Haryana.

3. Succinctly, facts of the case are that the FIR has been lodged on the statement of complainant-Sudama. It was alleged that his brother, namely, Chand (deceased) is involved in two other cases of murder but he



was on bail in those cases. It was further alleged that complainant's brother was residing with Savita wife of Dinesh since March, 2022 as he was looking after the construction work of Savita's house. It was alleged that on 22.01.2023, complainant reported that his brother is missing and despite best efforts, they could not trace him. Thus, the FIR was registered and investigation commenced. During investigation, complicity of the petitioners surfaced on the basis of disclosure statement of co-accused thus, petitioners were arrested on 13.03.2023. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioners approached the Court of learned Additional Sessions Judge, Sonipat, praying for grant of regular bail. However, after hearing counsel for the parties, the same were declined vide orders dated 28.05.2024 and 20.09.2024, respectively. Being aggrieved, earlier petitioner-Mohit (in CRM-M-20987-2025) approached this Court by way of filing CRM-M-33666-2024 but the same was dismissed as withdrawn on 24.10.2024. Hence, he is before this Court by way of filing the present second petition. However, qua petitioner-Shubham (in CRM-M-31083-2025), this is the first petition praying for grant of regular bail.

4. It has been contended by learned counsel for the petitioners that petitioners have been falsely implicated in the present cases. It has been contended that admittedly, the case of the prosecution is based on circumstantial evidence. It has been contended that as per the case of prosecution, the deceased went missing on 22.01.2023 and thereafter, his dead body was recovered in Sonipat by the police on 31.01.2023. It has been further contended that petitioner-Mohit has been implicated in the present case on the basis of alleged confessional statement recorded in other case that it was he along with co-accused, namely, Shubham who has



committed the murder of Chand. It has been contended that confessional statement of petitioner-Mohit is not even an admissible evidence. It has been submitted that once the case of the prosecution is based on circumstantial evidence, prosecution is bound to complete the chain of evidence however, the present case is factually without any evidence on record. To buttress their arguments, it has been contended that the deceased was facing murder trial in two cases and there was every probability that he earned enmity with number of other people who might have murdered him. It has been submitted that the petitioners have been implicated on the basis of presumptions and assumptions. It has been submitted that though petitioner-Shubham is involved in 20 other cases, however, in other case, he is on bail and in some case, he has been acquitted. It has been submitted that though petitioner-Mohit is falsely implicated in 04 other cases, however, in 01 case, he is on bail and in 03 cases, he has been acquitted.

5. Status report by way of an affidavit of Mr. Vipin Kumar Ahlawat, HPS, Assistant Commissioner of Police, Rai, District Sonipat, filed by learned State counsel, is already taken on record.

6. Learned State counsel has opposed the submissions made by learned counsel. He has contended that the complicity of the petitioners has been surfaced during investigation. He has submitted that dead body of the brother of the complainant was recovered on 31.01.2023 which was duly identified by the complainant. He has submitted that during investigation, the weapon of offence i.e. pistol has been recovered from petitioner-Shubham whereas, petitioner-Mohit has demarcated the place of occurrence. He has contended that both the petitioners in connivance with other co-accused eliminated Chand as he was having illicit relations with the mother of petitioner-Shubham. On instructions, he has submitted that



out of 24 prosecution witnesses, 10 witnesses have been examined. He has placed on record the custody certificate of the petitioners.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is admittedly based on circumstantial evidence. The deceased went missing on 22.01.2023 whereas, the dead body was recovered on 31.01.2023. The evidences relied upon by the prosecution against the petitioners are primarily their confessional statement and recovery of the alleged weapon used in occurrence. It is an admitted fact that the deceased was facing prosecution in 02 cases for the offence under Section 302 IPC and at the time of occurrence, he was on bail. Custody certificates of the petitioners filed by the State show that the petitioners have undergone incarceration of 03 years and 10 days as on 22.03.2026. Custody certificate of petitioner-Mohit shows that though he is involved in 04 other cases, in 01 case, he is on bail and in 03 cases, he has been acquitted. Custody certificate of petitioner-Shubham shows that though he is involved in one 20 more cases, in 07 cases, he is on bail and in rest 13 cases, he has been acquitted. As submitted by learned State counsel, out of 24 prosecution witnesses, only 10 witnesses have been examined till date. Needless to say that speedy trial is the right of every accused.

8. 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.”

9. 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.

10. 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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.

23.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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