



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

CRM-M-29904-2026

Date of decision :29.05.2026

Gaurav

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

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

Mr. Shailender Singh, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.80 dated 30.03.2023, under Sections 365, 120-B of IPC (Sections 364, 201, 302 read with 34 of IPC added and Section 365 of IPC deleted lateron), registered at Police Station Ateli, District Mahendergarh.

2. Brief facts of the case are that on 28.03.2023 at about 5.30 PM, complainant had gone to fetch milk. At that time, he saw that his grand-son Deepak caste Rajput r/o Khera was coming from his village towards Ateli. In the meanwhile, he saw one vehicle white coloured being driven by Devender, who stopped his vehicle near Deepak and made him sit in the same. It was also noticed that outside of that vehicle, Yogender (Daniya), Devender, Sandeep, son of Yogender, son of Devender, wife of Devender, brother-in-law of Devender, son of Devender's Fufa, son of Devender's Mama, husband of Devender's aunt and his son were present. The said incident was also seen by Ashok. Some persons were on motor-cycle and some were in the white coloured Brezza. From that day, Deepak son of Ashok was missing. Allegedly, Sandeep son of Rajbir and



Yogender (Daniya) gave beatings on his (complainant) eyes, who is 82 years old and on 29.03.2023, his younger grandson Sunny and his son Ashok were also tried to be killed. On the said complaint, the FIR was registered. On registration of FIR, investigation commenced. During investigation, on 30.03.2023, dead body of Deepak was found at Village Bhabru, Jaipur and accused were arrested. The complicity of the petitioner surfaced during investigation on the disclosure statement of the co-accused and resultantly he was arrested 02.04.2023. The petitioner approached the Court of learned Additional Sessions Judge, Narnaul praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Narnaul declined the bail application filed by the petitioner vide order dated 15.05.2026. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-51755-2023 and CRM-M-38294-2024, praying for the grant of regular bail, however, the same were dismissed as withdrawn vide orders dated 09.11.2023 and 21.11.2024. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present third petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 07.05.2026 passed by this Court in **CRM-M-72269-2025**, whereby co-accused of the petitioner, namely, Rohit Raghav @ Rohit Kumar Raghav, has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted regular bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused,



who has already been granted regular bail.

4. Vakalatnama has been filed on behalf of the complainant today in the Court, same is taken on record. Learned counsel for the complainant has opposed the submissions made on behalf of the petitioner.

5. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. Although, she has endorsed the fact that admittedly the case of the petitioner is at par with co-accused, namely, Rohit Raghav @ Rohit Kumar Raghav, who has already been granted bail by this Court vide order dated 07.05.2026. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the circumstantial evidence. The petitioner is behind bars since the date of his arrest. As per the custody certificate, petitioner has suffered an incarceration of more 03 years, 01 month and 25 days as on 29.05.2026. It further reflects that the petitioner has no criminal antecedents. Admittedly, case of petitioner is at par with co-accused, namely, Rohit Raghav @ Rohit Kumar Raghav, who has already been granted bail by this Court vide order dated 07.05.2026. Needless to say that every accused has the fundamental right of speedy trial.

7. 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.

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 trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, 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. 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.

29.05.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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