



205

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

CRM-M-32338-2026

Date of decision : 05.06.2026

Bittu @ Kala**....Petitioner****versus****State of Haryana****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rohit Sihag, Advocate for Mr. Mohit Rathee, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.150 dated 06.06.2020, under Sections 302, 307, 449, 120-B & 34 of IPC and Section 25 of Arms Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

2. As per the facts of the case, the present FIR was lodged on the statement of complainant, namely, Manjit @ Titu. It was alleged that on 06.06.2020 at about 06:00/06:15 a.m., complainant was sleeping on the terrace of his house and in the meanwhile, 3-4 boys came in his house and asked about the complainant from his mother. Thereafter, they entered in the house and one of them fired gun shot upon complainant, which hit on the left shoulder of the complainant. It was alleged that when the mother of complainant raised hue and cry, the assailants fired two gun shots upon complainant's mother and due to gun shot injury, the mother of complainant fell down and succumbed to the injuries. Thereafter, all the assailants fled away from the spot of occurrence. The complainant was taken to R.J.Hospital, Bahadurgarh for treatment. Thus, request was made



to take legal action against the accused persons. On registration of FIR, investigation commenced. The petitioner was arrested on 13.09.2020. The petitioner approached the learned Additional Sessions Judge, Jhajjar, 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 14.05.2026. Aggrieved by the same, 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 contended that the petitioner has been falsely implicated in the present case. He submits that the alleged occurrence had taken place on 06.06.2020. He submits that neither the petitioner was named in the FIR nor any any overt act has been attributed to him, however, during investigation, on the basis of disclosure statement of co-accused, the petitioner has been implicated in the present case. He submits that the co-accused have already been released on bail in the present case, by this Court. To buttress his arguments, he submits that the petitioner is behind bars since 13.09.2020 and till date he has suffered about 06 years of sentence. He has further contended that the complainant in the present case is none other than the injured-son of the deceased (Om Kaur) but during trial, he has not supported the case of the prosecution and thus, has been declared hostile. He thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits the petitioner was one of the assailants who fired gun shot at deceased, namely, Om Kaur. She submits that the petitioner is a habitual offender who is facing



prosecution in other cases as well and convicted too. She, on instructions, submits that out of total 49 prosecution witnesses, only 03 witnesses have been examined so far. She has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that in the present case the petitioner was arrested on 13.09.2020. The FIR was lodged by the son of the deceased, who was injured in the same occurrence, however, during trial he has not supported the case of the prosecution and has been declared hostile. The custody certificate produced would show the custody of the petitioner under trial is 05 years, 08 months and 23 days, however, after deducting his period undergone in other cases, the custody in the present case come to 03 years, 11 months and 29 days as on 05.06.2026. It further reflects that though the petitioner is involved in 06 other cases, however, in 02 cases he is on bail and in 02 cases, he has been acquitted. There is no gain saying that *de hors* the cases in which the petitioner is facing prosecution, he has the fundamental right of speedy trial, however, till date only 03 witnesses, out of total 49 prosecution witnesses, have been examined so far.

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. Thus, keeping in view the overall facts and circumstances of the case, primarily the long incarceration of the petitioner, 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. 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.

05.06.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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