



CRM-M-36500-2025

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

CRM-M-36500-2025

Date of Decision: 16.03.2026

Rinku

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.206 dated 19.09.2012, registered under Sections 148, 149, 323, 201, 302 IPC, at Police Station Chandhut Palwal, District Palwal.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Sundar Singh. It was alleged that on 18.09.2012, at about 5.00 pm, Satish, Tej Pal, Indraj and Anup were sitting at Chaupal and having liquor. They had an altercation and start quarralling. Sunder Singh intervened and took his uncle, Satish, to his house. Tejpal and others also went to their house. It was alleged that after some time, Tej Pal, Indraj, Anup, Rinku (petitioner), Pradeep and Manish came armed with wooden sticks and knives and the complainant along with his uncle Satish was sitting on cot. Anup gave a *lalkara* that today they would kill Satish and he gave multiple knife blows on his chest and face. Indraj gave a blow of stick on the head of Satish, due to which he fell down. Pradeep, Tej Pal, Rinku and Manish, who were armed with *danda* and *lathi*,



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gave blows to Satish. When the complainant tried to intervene, he was also beaten by them by giving blows of kicks and *lathi*. He raised alarm whereupon his aunt Balesh came and they tried to save his uncle from them. All the assailants escaped from the spot alongwith their respective weapons. They took Satish to Government Hospital but the doctors declared him brought dead and thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. However, the petitioner evaded his arrest and he was declared proclaimed offender by learned trial Court vide order dated 05.03.2013. However, co-accused were tried by the trial Court and convicted under Section 302 IPC. Thereafter, the petitioner was arrested on 15.05.2023. He approached the Court of learned Additional Sessions Judge, Palwal praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 13.12.2024. Earlier, the petitioner approached this Court twice by way of filing CRM-M-12091-2024 and CRM-M-65195-2024, however, the same was dismissed as withdrawn/not pressed, vide orders dated 24.07.2024 and 25.03.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present third petition

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He contends that as per the case of the prosecution, the petitioner was allged to be armed with a stick and was a part of the unlawful assembly, however, the ocular version is not even medically corroborated. He submits that mere



presence of the petitioner at the place of occurrence is not sufficient to hold the petitioner guilty in the present case. He contends that co-accused Manish was also alleged to be part of the unlawful assembly, however, he has been acquitted by the Juvenile Justice Board vide order dated 01.03.2014. He further contends that though the petitioner was declared as proclaimed offender, however, he is behind the bars in the present case since 15.05.2023. To buttress his arguments, he submits that the petitioner has no criminal antecedents. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was not only present at the time of occurrence, but also had played an active role. He submits that the petitioner was armed with a stick and he gave stick blow to the deceased. It is contended that the FIR was registered on 19.09.2012 and the petitioner remained proclaim offender for about 11 years and thereafter, he was arrested on 15.05.2023. He contends that in all there were six accused, out of which four accused already stand convicted by the trial Court. On instructions, he submits that out of total 22 prosecution witnesses, 09 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place on 18.09.2012. The petitioner was alleged to be armed with a stick. Fatal injuries had been alleged to be by the knife, which has been attributed to the co-accused. Though the petitioner remained proclaimed offender for about



11 years, however, he is behind the bars from the date of his arrest and has completed incarceration of 02 years, 09 months & 29 days as on 14.03.2026. Custody certificate of the petitioner shows that the petitioner has no criminal antecedents. Out of 22 prosecution witnesses, 09 witnesses have been examined. *De hors* the gravity of the offence, this Court cannot ignore the long custody of the petitioner as speedy trial is the fundamental right of every accused.

6. 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.”

7. 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.

8. The veracity of the allegations would be assessed only after the 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 sufficient 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 to the petitioner.

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.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.03.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No