



CRM-M-42739-2025 (O&M)

-1-

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

CRM-M-42739-2025 (O&M)
Date of decision: 27.01.2026

UJJWAL BHARDWAJ @ UJJI**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Akhil Godara, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)**CRM-51705-2025**

Allowed as prayed for. Statement of PW1 and PW4 as Annexure P-5 is taken on record, subject to all just exceptions.

Main case

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.208, dated 17.07.2023, under Sections 302, 307, 34 of IPC and Section 25 of Arms Act, registered at Police Station City Kharar, District SAS Nagar.
2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Praneet son of Sanjay Sharma. It was alleged that on 16.07.2023, he came to meet his friend Anuj (deceased) at house No.652, Sarpanch Colony Bhagomajra, District Mohali. In that house, Anuj's friend Sandeep Bhatti, Vipul, Ankit, Nitin were also present. At about 11:00 PM, Vipul and Ankit to buy food from the market. He and Anuj were

**CRM-M-42739-2025 (O&M)****-2-**

sitting in the drawing room. At around 11:10 PM, the door bell rang and Sandeep Bhatti open the latch of the main door. Two young persons with muffled faces entered the room, they asked about the identity of Anuj (deceased). Sandeep Bhatti pointed towards Anuj and immediately thereafter, one of them fired 6-7 shots at the direction of Anuj with intention to kill. The complainant and Anuj suffered bullet injuries. On causing injuries, both the assailants, who were with muffled faces escaped along with their weapons. The complainant and Anuj, who were injured were shifted to the Civil Hospital, Kharar. However, doctor declared Anuj as dead and he was referred to PGIMER, Chandigarh. It was alleged that he could identify the assailants. The request was made to take legal action against the accused persons. On the registration of the FIR, investigation commenced. During investigation, the complicity of the petitioner surfaced. Thus, he was arrested on 27.07.2023. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. He approached the learned Additional Sessions Judge, at Mohali, SAS Nagar for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, at Mohali, SAS Nagar declined the bail application vide order dated 17.06.2025. Thus, 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 submits that the petitioner has been falsely implicated in the present case. He has assailed that the case of the prosecution is based on eye-witness account and it is specifically alleged in the FIR itself that both assailants had their faces muffled. Therefore, even if the complainant witnessed the occurrence, he has stated that he did not see the faces of the assailants. He further submits that during trial, the injured-

**CRM-M-42739-2025 (O&M)****-3-**

complainant, namely, Praneet had been examined as PW-1 and he has not supported the case of the prosecution. Thus, he has been declared hostile. He further submits that Sandeep Bhatti has also been examined as P-2 and he was also declared hostile as he has not supported the case of the prosecution. He further submits that another witness, namely, Vipul had been examined as PW-3, though, in his examination-in-chief, he deposed that the accused was the same person who fired shots at Anuj (deceased). However, during cross-examination, he has specifically deposed that he has not witnessed the incident. He, thus, further submits that there is a material discrepancy in the deposition of PW-3, who admitted that he did not witness the occurrence. He also submits that the material witnesses, including the injured-complainant, have already been examined and have not supported the prosecution case. He further submits that petitioner is behind bars from the last two and a half years and he is involved in three more cases, however, he has been discharged in one case. Thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the incident has been duly witnessed by the complainant who has not only witnessed the occurrence but also sustained injuries. He further submits that although the witnesses have been declared hostile, their entire testimony cannot be discarded, and the portion consistent with their deposition can always be relied upon. He, on instructions, further submits that out of total 25 prosecution witnesses, only 03 have been examined including injured-complainant. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.



CRM-M-42739-2025 (O&M)

-4-

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place on 16.07.2023. The FIR was lodged on the statement of the injured-complainant, who has been examined as PW-1 before the trial Court. The other witnesses were also examined as PW-2 and PW-3 and they have not supported the case of the prosecution. Custody certificate produced would show that the petitioner has completed incarceration of 02 years, 05 months and 21 days as on 24.01.2026. It further reflects that the petitioner is involved in 01 more case, however, he has been discharged in the same. Out of total 25 prosecution witnesses, only 03 have been examined including injured-complainant also.

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

**CRM-M-42739-2025 (O&M)****-5-**

accused has the right to speedy trial under the Constitution of India.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, 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. 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.

27.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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