



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

CRM-M-52813-2025 (O&M)
Reserved on : 02.02.2026
Pronounced on : 05.02.2026

Azad @Shadi

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Anil Kumar Malik, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 103(1), 115(2), 126(1), 190, 191, 191(3) of Bharatiya Nyaya Sanhita, 2023, and Section 25 of Arms Act, the FIR No.465 dated 21.07.2024 has been lodged in Police Station Chandni Bagh, District Panipat. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instant of 'Krishan Pal son of Bhole Ram', hereinafter being referred to as 'complainant' only. According to above-named complainant, (now deceased), on 20.07.2024, he along with his sister was going to Vighanand Colony, where at about 09:00/09:30 pm, two boys came from a neighbouring street, waylaid him and started thrashing him.



According to above-named deceased, he was hit on his stomach by a sharp-edged object and therefore, he got himself treated in Government hospital. It was specifically mentioned by the above-named victim that action be taken against the assailants, namely Deepak and Azad (petitioner herein).

3. It is the case of prosecution that pursuant to abovementioned complaint, FIR for the commission of offence punishable under Sections 109, 115(2), 126(1), 190 and 191(3) of BNS was lodged and the investigation taken up. As per prosecution, during course of investigation when the above-named complainant passed away, on account of injuries suffered by him in the abovementioned incident, Section 103(1) of BNS was added in this case and further investigation taken up. It is the case of the prosecution that during the course of investigation, when CCTV footages of the neighbouring area were examined, it was found that the petitioner, too, was involved in the abovementioned incident. Resultantly, he has been arrested and prosecuted accordingly.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. As per learned counsel for the petitioner, the petitioner has already served sentence for a period of more than one and a half year, and that the trial is taking place at a very slow pace, as out of 31 prosecution witnesses, only one has been examined so far.



6. In addition to above, the learned counsel for the petitioner has contended that the private witness in this case has not supported the prosecution case with regard to involvement of petitioner in the commission of crime. As per learned counsel for the petitioner, similarly placed co-accused have already been accorded the benefit of bail, and therefore, the petitioner, too, is entitled for the benefit of bail.

7. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, in the present case, firstly, the offence for which the petitioner has been arrested, is heinous in nature, as the action of petitioner along with his co-accused has taken away the life of one human being. It has also been argued by learned State Counsel that trial is taking place at a reasonably fast pace, and that there is irrefutable evidence against the petitioner, as in the CCTV footage Savej @Javed is seen on a motorcycle, as a driver, and the other two accused, who have been named by the deceased, were travelling as pillion rider. According to learned State Counsel, in view of abovementioned evidence, the involvement of the petitioner in the commission of crime is proved and therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for the decision in the present petition: -



- i) that the petitioner has already suffered a long incarceration for being in custody for a period of more than one year and six months;
- ii) that the alleged eye-witness of the occurrence has not supported the prosecution case with regard to involvement of petitioner in the commission of crime;
- iii) that on parity also the petitioner is entitled to bail, as his co-accused, namely Savej @Javed, has already been accorded the benefit of bail by this Court;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) the trial is not likely to be concluded in near future, as out of 31 prosecution witnesses, only one has been examined so far, who has also not supported the prosecution case;
- vi) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

10. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.



11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

16. Since the main petition has been allowed, the application bearing CRM-2938-2026 seeking for interim bail, has become infructuous and the same is dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

05.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No