



CRM-M-55086-2025

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

CRM-M-55086-2025

Date of decision : 17.03.2026

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

Present :- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.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.579 dated 19.09.2023, under Sections 147, 148, 149 & 307 of IPC and Section 25 of Arms Act (Section 120-B of IPC added lateron), registered at Police Station Sadar, District Bhiwani.
2. Succinctly, the facts of the present case are that the FIR in question had been registered on the statement of the complainant, namely, Narender. It was alleged that on 19.09.2023, when the complainant was sitting on the shop of Anoop, in the meantime, accused, namely, Parduman, Satender, Manjeet, Udeybhan, Vikas and Bhagat Singh and 4-5 other persons came on their motorcycles and opened fired in order to kill the complainant. The complainant received one bullet injury on his chest and when he tried to rescue himself, then all the assailants again opened fired. Somehow, complainant managed to rescue himself while entering into the house of one Lalit. Thereafter, all the assailants fled away from the place of occurrence and the complainant was shifted to the hospital at Bhiwani for his treatment. Thus, request was made to take legal action against all the culprits. On registration of the FIR, the investigation



commenced. The petitioner approached the learned Additional Sessions Judge, Bhiwani, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 18.01.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition for grant of concession of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that admittedly neither the petitioner is named in the FIR nor he was present at the time of alleged occurrence. The alleged occurrence has taken place on 19.09.2023, wherein the complainant has been alleged to have been fired upon by some unknown person. He submits that it is on the basis of disclosure statement of co-accused Gaurav @ Bhagta recorded on 06.11.2023, the petitioner was implicated in the present FIR on the allegation that the fire arm used in the occurrence were supplied by the petitioner. He submits that admittedly the petitioner was behind bars in the Central Jail in Madhya Pradesh. He thus, submits that the disclosure statement of co-accused is not even an admissible evidence. He thus, submits that the petitioner is behind bars from last more than 02 years and till date all material witnesses stand examined. He submits that his right of speedy trial has already been miserably defeated and thus, in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is a habitual offender who is involved in multiple cases. He submits that the fire arms used in the occurrence were found to have been supplied by the petitioner, during investigation of the case. He submits that 06 pistols and 12 cartridges were recovered from co-accused and



these weapons were found to have been supplied by the petitioner. He, on instructions, has submitted that out of 42 prosecution witnesses, 16 witnesses, have been examined so far. He further submits that co-accused in the present case has already been convicted by Id. trial Court vide order dated 15.02.2025. He 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 as per the case of the prosecution, the complainant had been injured by the fire arm shot by co-accused Gaurav @ Bhagta. The petitioner was admittedly behind bars in Central Jail, Madhya Pradesh in some other case and his complicity allegedly surfaced during the investigation on the disclosure statement of co-accused that he was the supplier of the fire arm weapons used in the occurrence. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 03 months and 03 days as on 16.03.2026. Though petitioner is involved in other cases as well, however, presently he is lodged in Madhya Pradesh Jail, whereas out of 06 cases, he is on bail in 01 case. Only 16 witnesses have been examined so far, out of 42 prosecution witnesses. Needless to say that speedy trial is the right of every accused.

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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the facts and circumstances of the case and especially the custody and antecedents of the petitioner, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and 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.

17.03.2026
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(RAJESH BHARDWAJ)
JUDGE

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