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

**CRA-S No.3141 of 2025
Date of Decision: 12.03.2026**

Vishal @ Ponga

..... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. K. Tripathi, Advocate
for the appellant.

Mr. Tanuj Sharma, AAG, Haryana.

None for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

1. Present appeal has been filed praying for setting aside the order dated 29.03.2025 passed by the learned Sessions Judge, Rewari whereby the regular bail application filed by the appellant in case bearing FIR No.330, dated 17.06.2023, under Sections 302/34 of IPC and Section 3(2)(V) of SC/ST Act, registered at Police Station Model Town, Rewari, District Rewari, Haryana was dismissed. Further prayer has been made for the grant of regular bail to the appellant in the above-mentioned case.

2. Succinctly the facts of the case are that the FIR in the present case was got registered on the statement of complainant, namely, Sonu, s/o Mahendra Singh. It was alleged that on 16.06.2023, at about 10:40 P.M., the



complainant was at his home and in the meantime, Pravesh and Dhola were came to his house and told that his brother, namely, Sandeep was murdered and he was lying soaked in blood in Dhakkha Basti. The complainant immediately reached the place of occurrence, where he found that his brother was lying on the road in pool of blood. It was alleged that the complainant inquired into the matter and then, his aunt's daughter, namely, Poonam, told that Monu, Vishal @ Ponga (appellant) and brother of complainant, Sandeep, i.e. the deceased were drinking alcohol in the tempo (auto rickshaw) and then, Monu and Vishal @ Ponga started quarreling with Sandeep. Then, Monu broke the liquor bottle and hit on the neck of Sandeep, due to which, Sandeep fell down on the road and thereafter, Monu and Vishal @ Ponga ran away from the place of occurrence. Sandeep (deceased) was got admitted by the complainant to Government Hospital, Rewari, where he was declared dead. It was alleged that the deceased had a gold chain, which fell during the altercation. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. The appellant was arrested on 17.06.2023. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The appellant approached the Court of learned Sessions Judge, Rewari praying for the grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Rewari, declined the bail application filed by the appellant vide order dated 29.03.2025. Being aggrieved, the appellant earlier approached this Court twice praying for the grant of bail by way of filing CRA-S-18-2024 and CRA-S-2145-2025, however, the same were dismissed as withdrawn vide



orders dated 28.11.2024 and 22.08.2025, respectively. Hence being aggrieved, the appellant is again before this Court by way of filing the present appeal praying for the grant of regular bail.

3. Learned counsel for the appellant has submitted that the appellant has been falsely implicated in the present case. He has submitted that the alleged occurrence had taken place on 16.06.2023, whereas the FIR has been registered on 17.06.2023. He has submitted that as per the case of the prosecution, both the accused along with the deceased were consuming liquor. He has submitted that the allegations regarding giving the blow of broken bottle are against the co-accused, namely, Monu, whereas, there is no allegation of any overt act having been committed by the appellant. He has submitted that the false implication of the appellant is evident. He has submitted that the appellant is behind bars from last more than 2½ years. He has further contended that the material witnesses have already been examined. He has submitted that though the appellant was falsely implicated in multiple cases but in 08 of the cases, he has been acquitted, whereas in other cases, he is on bail. He has submitted that in the facts and circumstances, the appellant deserves to be granted bail.

4. *Per contra*, learned State counsel has equally opposed the submissions made by counsel for the appellant. He has submitted that case of the prosecution is based on the eye-witness account. He has submitted that the appellant along with the co-accused with a common intention had committed the murder of Sandeep (deceased). He has submitted that the ocular version is medically corroborated as Sandeep died due to the injuries given to him on the neck by the broken bottle. He, on instructions, has



submitted that out of total 32 prosecution witnesses, 17 witnesses have already been examined. He has produced custody certificate of the appellant today in the Court and the same is taken on record.

5. Heard.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the appellant was alleged to be along with the co-accused, namely, Monu. While all were drinking liquor, Monu allegedly gave the blow of broken bottle on the neck of Sandeep and on account of which, Sandeep died. As contended before this Court by learned counsel for the appellant, except the presence of the appellant with the co-accused, there is no overt act attributed to him. As submitted before this Court, out of total 32 prosecution witnesses, 17 witnesses have been examined including the eye-witnesses. Custody certificate produced would show that the appellant has completed incarceration of 02 years, 08 months and 25 days as on 11.03.2026. It further reflects that the appellant is involved in 17 more cases, however in 07 of the cases he is on bail and in 08 cases, he has been acquitted.

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 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the appellant succeeds in making out a case for grant of regular bail.
10. Accordingly, the present appeal is allowed and the impugned order dated 29.03.2025 passed by the learned Sessions Judge, Rewari is hereby set aside. The appellant is ordered to be released on bail during trial of present case on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the appellant does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.
11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No