

CRM-M-56264-2025

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

CRM-M-56264-2025

Date of Decision: 23.04.2026

Vishal

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Mehak Sawhney, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Deepak Aggarwal, Advocate and

Mr. Sanjeev K. Sharma, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.312 dated 27.10.2022, registered under Sections 147, 148, 149, 323, 506, 307, 302, 120-B IPC, at Police Station Badhra, District Charkhi Dadri.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Rajbala wife of Rajesh. It was alleged that there was a dispute regarding a plot situated at Village Berla between the complainant and the accused persons. On 27.10.2022, the complainant came to know that family members of Vishal (petitioner) are installing tin-shed over said plot. Then, the complainant alongwith Shakuntla and Simar reached at plot and asked them not to install tin-shed, on which Vishal started quarreling and gave a danda blow on the left ear of Shakuntla, due to which she fell down. Complainant and Simar tried to save Shakuntla, however, other family members of Vishal i.e. Vikas, Sahil and Pankaj inflicted injuries to complainant and Simar. On hearing the noise, Gajanand (since deceased), Anil and Rajesh came to save us. Vishal gave an axe blow on the head of Gajanand. He fell down. One Kalia gave beatings to the complainant party. The injured were shifted to the Hospital where,

Gajanand succumbed to the injuries. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced and the petitioner was arrested on 28.10.2022. He approached the Court of learned Additional Sessions Judge, Charkhi Dadri 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 05.02.2024. There after the petitioner approached this Court four times praying for grant of regular bail, however, the same were declined by this Court vide separate orders. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present fifth petition

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that the petitioner has been alleged to have given danda blow to injured Shakuntla and axe blow to deceased Gajanand. She submits that the ocular version is not even medically corroborated as from the perusal of the postmortem report, no incised injury was found on the deceased. She submits that the alleged recovery from the petitioner is also a danda and not an axe. She contends that the petitioner has no criminal antecedents, he has never been involved in other criminal case. To buttress his arguments, she contends that all the material witnesses i.e. the complainant and the injured, already stand examined and thus, there is no probability of the petitioner influencing the prosecution witnesses. She, thus, contends that the petitioner is behind the bars from the last more than three years, however, till date the prosecution has not been able to examine the half of the witnesses and thus, his right of speedy trial is miserably defeated. She, 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 caused injuries to the deceased and gave injuries to five other persons. He submits that all the injured witnesses already stand examined and have supported the case of the prosecution. On instructions, he submits that out of total 31 prosecution witnesses, 08 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by counsel for the petitioner. He submits that the petitioner is the main accused, who caused fatal injuries to the deceased. He submits that the petitioner is involved in one more FIR as well.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged occurrence took place on 27.10.2022. Deceased Gajanand succumbed to the injuries on 28.10.2022. It is contended before this Court that the ocular version is not medically corroborated. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 03 years, 05 months & 22 days as on 22.04.2026. It further shows that the petitioner has no criminal antecedents. Out of 31 prosecution witnesses, 08 witnesses including the complainant and injured, have been examined.

7. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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 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.

10. 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.

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

(RAJESH BHARDWAJ)
JUDGE

23.04.2026
sharmila

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