



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59295-2025 (O&M)

Sanjay ...Petitioner
Versus
State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	12.02.2026
2	The date when the judgment is pronounced	16.02.2026
3	The date when the judgment is uploaded on the website	16.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

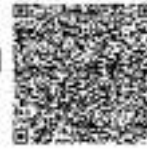
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

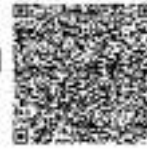
1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 75 dated 23.03.2021, registered under Section 346 of IPC (Sections 302, 201, 120-B and 34 of IPC added later on) at Police Station Chheharta, District Amritsar.
2. The aforementioned FIR was initially registered under Section 346 of IPC on the basis of a complaint submitted by complainant Saurav Mahajan alleging that his younger brother Shivam Mahajan who was doing a



private job, had left home in the morning of 17.03.2021 but did not return. They had made search for him at their own level but could not find him. After registration of FIR, investigation proceedings were initiated. On 26.03.2021, the complainant recorded a supplementary statement to the effect that he had come to know that his brother had love affair with the co-accused Manju, who along with her employer Sanjay (petitioner) and one Lalit was living in a rented accommodation in temple colony area. He further disclosed that previously there was affair between Pooja, wife of the petitioner and his brother Shivam and by suspecting that the petitioner, who was nursing a grudge against his brother, in connivance with co-accused Manju and Lalit might have killed his brother. Therefore, he prayed for taking action.

3. The petitioner and co-accused Manju were arrested on 26.03.2021. On interrogation, both of them suffered disclosure statements admitting their involvement in the crime about hatching a conspiracy to eliminate the victim, who was having an affair with wife of the petitioner, by the co-accused Manju having laid a trap upon the victim and then on the fateful night having caused injuries to the victim and killing him. They also disclosed that after killing the victim with the help of co-accused Lalit, they had removed entire skin of dead body of the victim with a *datar*, had flushed the same in sewerage, had amputated the limbs of the dead body, kept the same into a drum and then threw the dead body in a gutter.

4. As per the further allegations, in pursuance of their disclosure statements, the petitioner and co-accused Manju got the parts of the dead body of the victim exhumed/recovered from one gutter in the presence of Duty



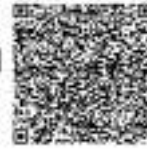
Magistrate, Amritsar. Post-mortem examination of the dead body was conducted. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye-witness to the murder of the victim. The case rests upon circumstantial evidence. There is no material to prove his involvement in the case. Only one prosecution witness has been examined so far. He has been in custody for the last more than 04 years and 10 months. The trial will take considerable time to conclude. It is not on account of any act on his part that the delay in conclusion of the trial is occurring. He does not have any criminal antecedents. His continued detention would not serve any useful purpose. Co-accused Manju has already been granted concession of regular bail by this Court, vide order dated 31.10.2025 passed in **CRM-M-18404-2025**. On parity, he too deserves to be given the same benefit. With these broad submissions, it is urged that he deserves to be released on bail.

6. Status report and the custody certificate have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations against the petitioner, he does not deserve to be extended benefit of bail. Thus, it is urged that the petition does not deserve to be allowed.

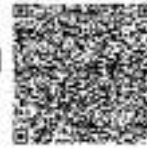
7. This Court has heard the rival submissions.

8. The petitioner has been in custody for the last more than 04 years and 10 months. Only one prosecution witness has been examined so far. Copies of *zimni* orders passed by the learned trial Court have been kept on



record which show that the trial is substantially delayed and there are no chances of the same being completed in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Reference in this regard can be given to the observations made by Hon'ble Supreme Court in case of '***Ranjan Dwivedi vs. CBI through the Director General, 2012(8) SCC 495; 2012(4) RCR (Criminal) 880***' wherein it was observed that the right to a speedy trial was not only an important safeguard to prevent undue and oppressive incarceration, to minimize anxiety and concern accompanying the accusation and to limit the possibility of impairing the ability of an accused to defend himself but also there is a societal interest in providing a speedy trial which was one of the facets of the fundamental rights to life and liberty enshrined in Article 21. It was also observed as follows:-

"92. Of course, no length of time is per se too long to pass scrutiny under this principle nor the accused is called upon to show the actual prejudice by delay of disposal of cases. On the other hand, the court has to adopt a balancing approach by taking note of the possible prejudices and disadvantages to be suffered by the accused by avoidable delay and to determine whether the accused in a criminal proceeding has been deprived of his right of having speedy trial with unreasonable delay which could be identified by the factors - (1) length of delay, (2) the justification for the delay, (3) the accused's assertion of his right



to speedy trial, and (4) prejudice caused to the accused by such delay. However, the fact of delay is dependent on the circumstances of each case because reasons for delay will vary, such as delay in investigation on account of the widespread ramification of crimes and its designed network either nationally or internationally, the deliberate absence of witness or witnesses, crowded dockets on the file of the court etc."

9. It is well settled that the object of the bail is to secure the presence of the accused at the trial only. It is also observed that the object of bail is neither punitive nor preventive and deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The petitioner is in custody for a period of more than 04 years and 10 months. The trial has been substantially delayed as only one witness has been examined so far. Though the allegations against the petitioner are serious in nature but he cannot be allowed to be confined in jail for an indefinite period. In the considered opinion of this Court, his continued detention would not serve any useful purpose. In view of the above discussed facts, but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.



- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court and shall deposit his passport, if any, with the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

- 10. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
- 11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

[MANISHA BATRA]
JUDGE

16.02.2026
Waseem Ansari

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |