

357

CRM-M-59539-2025 (O&M)

-1-

2026.01.30 00:08:41



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

CRM-M-59539-2025 (O&M)

Date of decision: 28.01.2026

KHEM CHAND

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Bharat Bhushan, Advocate for the petitioner.

Mr. Vikram Singh, AAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-42398-2025

1. Keeping in view the averments made in the application, exemption is granted as prayed for.
2. Registry to tag the same at appropriate place.
3. Disposed of.

Main Case

1. Prayer in the instant 3rd petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.101 dated 22.05.2021 registered under Sections 302, 118, 120-B of IPC and Section 25 of the Arms Act, at Police Station Dharuhera, District Rewari.



2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with co-accused brutally murdered the brother of the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that even as per the FIR, the petitioner is neither the principal assailant nor has been attributed any direct role in the alleged occurrence. He submits that the petitioner has been charge-sheeted only under Section 118 of the IPC that too on the vague allegations of having prior knowledge of the occurrence. He further contends that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by other co-accused and apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible. It has also been submitted that similarly placed co-accused Ravi @ Sannu has been granted concession of regular bail by the learned Trial Court and co-accused Naveen has been granted the concession of regular bail by Co-ordinate Bench of this Court. The petitioner is in custody since 23.05.2021. He submits that challan has been presented, charges have been framed and out of 29 prosecution witnesses only 02 have been examined, as such the trial may take quite a long time to conclude and no useful purpose would be served by keeping him behind the bars. Moreover, the petitioner has clean antecedents as he is not involved in any other case. There are no chances of his absconding,

therefore, it is urged that the petition deserves to be allowed.



4. Learned State counsel has filed the custody certificate of the petitioner and status report and the same are taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature as he was aware about the entire conspiracy and he did not inform the authorities. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that the petitioner is in custody for the last more than 04 years and 08 months; challan has been presented; charges have been framed and out of 29 prosecution witnesses only 02 have been examined and as such trial may take a long time to conclude no useful purpose would be served by detaining him in further custody.

6. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

7. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari***



Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.

8. Reliance is also placed upon a judgment in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

10. The present petition is disposed off accordingly.

28.01.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |