



128

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

CRM-M-61360-2025

Date of decision : 16.03.2026

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

Present :- Mr. Anhul Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed by the petitioner praying for grant of regular bail in case FIR No.132 dated 11.05.2021, under Sections 148, 149, 302, 323, 379-B, 427, 452 & 34 of IPC, registered at Police Station Chandhut, District Palwal.

2. Succinctly, the facts of the present case are that the FIR in question had been registered on the statement of the complainant, namely, Lachhi Ram. It was alleged that on 10.05.2021 at about 8:00 p.m., complainant's brother, namely, Mohar Pal called a mason to get the boundary wall constructed of his 525 square yards land situated at village Khedla. Meanwhile, Rajpal (present petitioner) came there and objected to the same, alleging that the land belongs to them. Complainant tried to convince him, however, the petitioner left the place by threatening them.

Thereafter, both the sides went to their home. However, after some time



Rajpal, Kiran, Gulshan, Pawan, Lata, Ojender, Pintu, Deepak, Prahlad and Sonu conspired with each other and, being armed with sticks, axe, farsa and iron rod with an intention to kill the complainant and his family, forcibly entered into the house of the complainant by breaking the door. Thereafter, they opened attack on the complainant and his family members and caused injuries to them, and took away the cash along with gold and silver jewellery. Due to the injuries caused, the complainant, his wife-Kranti, his brother-Mohar Pal and his brother's wife Rinki, suffered injuries and were shifted to the Govt. hospital, Palwal, where complainant's wife Kranti succumbed to the injuries. 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, Palwal, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 11.07.2023. Aggrieved by the same, the petitioner earlier approached twice this Court by way of filing of CRM-M-43939-2023 and CRM-M-4166-2025, however, same were declined vide orders dated 05.12.2023 and 25.02.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third 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 the alleged occurrence had took place on 11.05.2021. He submits that the complainant had made general allegations against all the accused. He submits that initially there were total 10 accused named in the FIR, however, during conclusion of the investigation, challan was presented only *qua* 03 accused and rest of the accused, named in the FIR, were



declared to be innocent. He contends that as per the postmortem report, only one injury was suffered by the deceased and thus, the ocular version is not even medically corroborated. He submits that the petitioner is behind bars from last more than 4 ½ years, however, till date the prosecution could not examine even half of the witnesses. To buttress his arguments, it is contended that the petitioner has no criminal antecedents as he has never been involved in any other case. He thus, 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. Learned counsel for the complainant, however, has opposed the submissions made on behalf of the petitioner and submits that the petitioner is the main accused and another eye-witness, is yet to be examined. He, thus, prays for rejection of bail of the present petition.

5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the head injury suffered by the deceased has been attributed to the petitioner. He, on instructions, has submitted that out of 19 prosecution witnesses, only 03 witnesses, have been examined so far. He has produced on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that both the sides are brothers and thus, due to a family dispute the present occurrence had taken place. Though the allegations were levelled against 10 accused at the initial stage, however, on completion of investigation, challan was presented only *qua* 03 accused. The petitioner was arrested on 11.05.2021. The custody certificate produced would show that the petitioner has suffered an incarceration of 04 years, 09 months and 18 days as on 14.03.2026. It further reflects that



the petitioner has no criminal antecedents. There were general allegations made in the FIR, however, it has been contended before this Court that the injury suffered by the deceased is attributed to the petitioner. Only 03 witnesses have been examined so far, out of 19 prosecution witnesses. Needless to say that speedy trial is the right of every accused.

7. 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.

8. 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.”

9. 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.

10. 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.

16.03.2026

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(RAJESH BHARDWAJ)
JUDGE

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