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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-61365-2025****Date of decision : 21.01.2026****Ishwar****....Petitioner****versus****State of Haryana****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vikram Singh Lakhlan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana and
Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed by the petitioner praying for grant of regular bail in case FIR No.317 dated 05.09.2021, under Section 346 of IPC (Sections 302, 201 and 404 of IPC added lateron and Section 346 IPC deleted), registered at Police Station Uklana, District Hisar.

2. Succinctly, the facts of the present case are that the FIR in question was registered on the statement of the complainant, namely, Sumit. It was alleged that that his father worked as a Salesman at Madanpura Theka. On 04.09.2021 at about 7:00 pm, his father went to Madanpura Theka and did not return. They started searching for his father and when they tried to contact him on phone, his phone was found to be switched off. It was alleged that despite best efforts, they could not trace him. Thus, request was made to search his father. The FIR was registered for the offence under Section 346 IPC and the investigation commenced. During investigation, on 06.09.2021, a dead body was found from Malleka Minor village Malleka Rakba. The dead body was identified by



the brother of the deceased and his statement was also recorded in this regard in which he suspected the petitioner to be behind the murder. Thus, the petitioner was arrayed as an accused in the present case and was arrested on 07.09.2021. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Hisar, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 26.07.2024. Being aggrieved, the petitioner earlier approached this Court twice by way of filing of CRM-M-37736-2023 and CRM-M-51009-2024 however, the same were declined by this Court vide orders dated 22.02.2024 and 30.07.2025, 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 admittedly the case of the petitioner is based on circumstantial evidence, however, there is no admissible evidence produced by the prosecution against the petitioner except the suspicion. He submits that the investigating agencies alleged that father of the complainant was killed by using cloth, however, the recovery made was of a wire. It is submitted that the ocular version is not even medically corroborated. He submits that the postmortem of dead body was conducted which further creates a serious doubt in the case of the prosecution and the complicity of the petitioner is not even remotely established. He submits that the polygraphy test of the petitioner was conducted and no conclusion could be drawn for the complicity of the petitioner. It is submitted that the petitioner is behind bars from last more than 04 years, however, there is no material progress



in the trial. To buttress his arguments, he went on to argue that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the complainant is intentionally not appearing before the trial Court just to prolong the custody of the petitioner. It is submitted thus that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the complicity of the petitioner is duly established during the investigation. He submits that at the behest of the petitioner, recovery of scooty and slippers of the deceased was effected. He submits that polygraphy test of the petitioner was conducted and the same was found to be deceptive. He, on instructions, submits that out of total 26 prosecution witnesses, 10 witnesses have been examined so far. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on circumstantial evidence. Though, the FIR was lodged regarding missing of father of the complainant, however, the petitioner was implicated as an accused during investigation. As submitted before this Court, the recovery of the scooter has been effected on the disclosure statement of the petitioner. The custody certificate produced would show that the petitioner has suffered an incarceration of 04 years, 04 months and 11 days as on 20.01.2026. It further reflects that the petitioner has no criminal antecedents.

6. 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.



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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the stage of the trial and specially the custody period of the petitioner, the Court is of the opinion that learned Senior 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.

21.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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