



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

CRM-M-61298-2025

Date of decision : 24.03.2026

Ritik Singh

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L.S. Mann, Advocate
for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.423 dated 03.11.2022 under Sections 147, 148, 149, 302, 307 & 506 of IPC (Later the charges under Sections 147, 148, 149, 307 IPC were dropped and the charge under Section 34 IPC was added) registered at Police Station Badshahpur, District Gurugram.

2. Succinctly the facts of the case are that the present case was registered on the statement complainant, namely, Ziaul S/o Ayasudin. It was alleged that he belongs to West Bengal and was living in village Fazilpur, District Gurugram, where he was working as a mason. On 02.11.2022, he and his brother, namely, Sirajul @ Shera (deceased) along with other labourers were doing the work of masonry and at about 4:00 P.M., Sheikh Abdul Rahim came with a rickshaw and he started abusing them. They raised objection to the same, however, he went away by threatening him. After some time, he came along with Abdul Karim (juvenile) and Ritik Singh (present petitioner). All of them were armed



with the sticks. They opened attack upon Sirajul @ Shera with an intention to kill. He was beaten up with sticks and in the meantime, Ritik picked up a sickle and hit his brother Sirajul @ Shera on the head. His brother fell unconscious and thereafter all the assailants escaped from the place of occurrence. They shifted their brother Sirajul Haq to the Hospital. During treatment, he succumbed to the injuries on 03.11.2022. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the petitioner was arrested on 03.11.2022. On the presentation of the challan, learned trial Court framed the charges and proceeded with the trial. The petitioner approached the Learned Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Gurugram vide order dated 20.09.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has contended that the petitioner was arrested in the present case on 03.11.2022. He has contended that both the sides are labourers and the alleged occurrence has taken place on 03.11.2022. He has submitted that it is on the spur of the moment, the alleged occurrence has taken place and the petitioner was alleged to have given a sickle blow on the head of the deceased. He has contended that a sickle was allegedly lying at the spot and thus, the petitioner was not armed with any weapon. He has submitted that the alleged occurrence did not take place in a pre-meditated



manner and from the facts and circumstances of the case, it is apparent that offence under Section 302 IPC is not even made out. He has contended that there is only one injury alleged to have been given by the petitioner to the deceased. He has contended that the petitioner is behind the bars for the last more than 03 years and he has no criminal antecedents. He has further contended that the complainant is intentionally not appearing before the trial Court to prolong the incarceration of the petitioner. He has further contended that the fundamental right of the speedy trial has been miserably defeated in the present case. He thus, submitted that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has, however, opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner was owned with a lethal weapon and the injury had been given on the vital part of the deceased i.e. occipital region of the head. She has submitted that this injury was the cause of death of the deceased. She has submitted that the petitioner being the main accused, does not deserve to be granted the concession of regular bail. She, on instructions, has submitted that out of 27 prosecution witnesses, 15 witnesses have been examined. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that both the sides are labourers and the incident took place on 31.11.2022. During the scuffle, petitioner was alleged to have given a sickle blow which was lying at the place of occurrence. Custody certificate filed by the State shows that the petitioner has undergone



incarceration of 03 years, 04 months and 20 days as on 23.03.2026. It further reflects that the petitioner is not involved in any other case. As submitted, out of 27 prosecution witnesses, 15 witnesses have been examined. Needless to say that every accused has the fundamental right of speedy trial.

6. 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.”

7. 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.

8. 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

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

24.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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