



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

CRM-M-63951-2025

Date of decision : 24.02.2026

Avdhesh Kumar Yadav

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Kiran Bala Jain, Advocate and
Ms. Kamla Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.103 dated 12.05.2023, under Section 302 of IPC, 1860, registered at Police Station Panjokhara, District Ambala.

2. Succinctly, facts of the case are that the FIR has been lodged on the statement of complainant namely, Pappu. It was alleged that on 12.05.2023 at about 05:00 AM, a boy namely, Manoj Kumar came to him and informed that brother of the complainant namely, Nirmal Yadav was lying injured. On receiving the information, he along with Manoj Kumar went to Vinka Dairy and saw his brother Nirmal Yadav lying in dead condition in a pool of blood on the roof outside the room. The wooden Binda without *Kassi* was lying near the dead body. He enquired from Manoj Kumar and others, who informed that Nirmal Yadav and Avdhesh Yadav (petitioner) were having liquor together and a quarrel took place between them. During the quarrel, Avdhesh Yadav inflicted injuries to Nirmal Yadav. It was thus, confirmed that his brother has been killed by

Avdhesh Yadav with a *Binda*. Harjeet Singh @ Vinka, owner of Vinka



Diary was also present there. The dead body was brought to the Civil Hospital by Amresh Yadav. Request was made to take legal action against the accused. On registration of the FIR, investigation commenced. Postmortem of the dead body was conducted. Petitioner was arrested on 16.08.2023. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge, Ambala, praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 04.07.2025. Being aggrieved, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. She has submitted that it was a blind murder however, the eye-witnesses had been planted by the prosecution. To buttress her arguments, she has submitted that the FIR had been lodged by the complainant on the information having been given by Manoj Kumar however, Manoj Kumar has been examined before the learned trial Court as PW-3 but he has not supported the case of the prosecution and thus, has been declared hostile. She has further submitted that Harjeet Singh @ Vinka, another material witness, was examined as PW-1 and he has also not supported the case of the prosecution and has been declared hostile. She thus, submits that the case of the prosecution is virtually without any credible evidence. To buttress her arguments, she has submitted that the petitioner has no criminal antecedents and he is behind the bars from last more than 2½ years thus, the right of speedy trial of the petitioner is miserably defeated in this case. She thus, prays that in the facts and circumstances, the petitioner



deserves to be granted bail.

4. Status report by way of an affidavit of Mr. Ramesh Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt, District Ambala, filed by learned State counsel is taken on record.

5. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a sole accused who has committed the murder of Nirmal Yadav. He has submitted that the weapon of offence has been recovered from the spot, having blood and hair on it. He has further submitted that though Manoj Kumar and Harjeet Singh @ Vinka have been declared hostile however, as per the law settled, the whole testimony of the hostile witnesses cannot be ignored and the one, which is consistent with the case, can always be relied upon. He, on instructions, has submitted that out of 21 prosecution witnesses, 06 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was lodged by the complainant on the information provided by the witness namely, Manoj Kumar. Manoj Kumar has been examined as PW-3 and another material witness Harjeet Singh @ Vinka, has been examined as PW-1 but both have not supported the case of the prosecution. The custody certificate filed by the State shows that the petitioner has undergone incarceration of 02 years, 06 months and 05 days as on 21.02.2026. It further reflects that the petitioner is not involved in any other case. Needless to say that every accused has the fundamental right of speedy trial.

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. 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.

10. 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.

24.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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