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

**CRM-M No.63974 of 2025
Date of Decision: 10.03.2026**

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

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

***********RAJESH BHARDWAJ, J. (ORAL)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.144, dated 15.03.2021, under Sections 302, 427, 34 of IPC, registered at Police Station Kundli, District Sonipat, Haryana.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Suraj Kumar, s/o Omkar Singh. It was alleged that on 13.03.2021, at around 11'o clock, younger brother of the complainant, namely, Badal had left the house after receiving a call from someone. It was alleged that at about 12'o clock, the complainant and his father came to know that his brother, namely, Badal along with his bike was lying in an injured condition in the fields of Pawan. On which, they reached that place, where injured, Badal was found having sustained severe head injuries and blood was oozing



from his mouth and nose. On seeing his serious condition, brother of the complainant, namely, Badal was referred to Government Hospital, Sonipat from where he was shifted to PGIMS, Rohtak and during the treatment, he succumbed to the injuries. It was alleged that the deceased told the complainant that Amit was having some old rivalry and had caused injuries to him. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Co-accused, namely, Amit was arrested on 28.03.2022. During the investigation, he made disclosure statement about the complicity of the petitioner, namely, Dheeraj and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 15.02.2023. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Sonipat praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Sonipat dismissed the bail application filed by the petitioner vide order dated 21.04.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that case of the prosecution is admittedly based on the circumstantial evidences. He has submitted that the alleged occurrence in the present case has taken place on 13.03.2021, whereas the brother of the complainant, namely, Badal (deceased) succumbed to the injuries on the next day, i.e. 14.03.2021 and the FIR in the present case has been lodged



on 15.03.2021. He has submitted that admittedly the case of the prosecution is to the effect that when the complainant had shifted his injured brother, Badal, to the hospital, he disclosed about assailant to him. He has submitted that if the statement made by the deceased before the complainant is taken to be the dying declaration, even then, it was the co-accused, namely, Amit, who was alleged to have caused injuries to the deceased. He has submitted that there was no whisper regarding the complicity of the petitioner, however, he has been clandestinely roped in the present case on the basis of presumptions and assumptions. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner is behind bars from last more than 03 years and the material witnesses already stand examined and thus, there is no probability of the petitioner of tampering with the prosecution witnesses. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner has been surfaced in the disclosure statement of co-accused, namely, Amit, however, during the investigation, recovery of stick has also been effected from the petitioner. He has submitted that the deceased suffered 09 injuries and all the 03 accused has caused injuries to the deceased. He, on instructions, has submitted that out of total 24 prosecution witnesses, 16 witnesses have been examined and they have supported the case of prosecution. He has produced custody certificate of the petitioner today in the Court, which is taken on record. He has, thus,



submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the case of the prosecution is based on the circumstantial evidence. The deceased, in an injured condition allegedly disclosed the name of the assailant to his brother, who is the author of the FIR. The assailant named by the deceased was the co-accused, Amit, who had caused him injuries. The evidence, as collected against the petitioner is the recovery of the stick. Custody certificate produced would show that the petitioner has suffered an incarceration of 03 years and 26 days as on 10.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 24 prosecution witnesses, 16 witnesses have been examined.

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 the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

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.

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

10.03.2026

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**(RAJESH BHARDWAJ)
JUDGE**

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No