



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

**CRM-M-63617-2025
Date of Decision:19.02.2026**

Anil @ Mota @ Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., 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.86, dated 20.02.2023, under Sections 302, 307, 34 of IPC and Section 25 of Arms Act (Section 120-B IPC added lateron), registered at Police Station Sector 13-17 Panipat, District Panipat.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Vijay. It was alleged that his elder brother, namely, Bunty (deceased) had performed the love marriage with Kajal. On account of the same, Surinder, Sandeep and Raju, used to do recce of their house as well as shop. On 20.02.2023, at about 07:30 P.M., when Bunty was at the shop and complainant was selling vegetables, in the meantime, 4-5 boys came in a white colour car and encircled his brother. Thereafter, they all started firing at him. After firing, all the accused escaped along with their weapons in their car. The complainant took his brother, namely, Bunty, to Government Hospital, Panipat but on account of the gun shot injuries, his brother expired. Thus the request was made to take the legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was also



arrayed as an accused in the present case. Resultantly, he was arrested on 24.02.2023. The petitioner approached the Court of learned Additional Sessions Judge, Panipat praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Panipat declined the bail application filed by the petitioner vide order dated 31.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor any overt act has been attributed to him. He submits that the case of the prosecution is based on eye-witness account i.e. Vijay, who has been examined before Id. trial Court as PW-9 and he has not supported the case of the prosecution and thus, has declared hostile. It is submitted that even otherwise all the material witnesses have already stand examined. It is submitted that though the petitioner is involved in one more case, however, he has already undergone the sentence awarded. To buttress his arguments, he has submitted that co-accused, namely, Rajesh @ Raju has already been granted bail by this Court vide order dated 16.10.2025 passed in **CRM-M-57117-2024**. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. It is submitted that it is the petitioner who fired at the deceased. He submits that though eye-witness Vijay has been declared hostile, however, case of the prosecution is not discredited only on that account, there are other evidences as well against the petitioner. He, on instructions, has submitted that out of total 27 prosecution witnesses, 19



witnesses already stand examined. He has endorsed the fact that co-accused is on bail. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that eye-witness, namely, Vijay has not supported the case of the prosecution. As submitted before this Court, out of total 27 prosecution witnesses, 19 witnesses have already been examined. Material witnesses already stand examined. The custody certificate produced would show that petitioner has suffered incarceration of 02 years, 11 months and 19 days as on 18.02.2026. It further reflects that though the petitioner is involved in one more case, however, he has already undergone the sentence awarded to him. Admittedly, co-accused of the petitioner, namely, Rajesh @ Raju has already been granted bail by this Court vide order dated 16.10.2025. Needless to say that every accused has the fundamental right of speedy trial.

6. 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.

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. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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. Accordingly, the 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.

19.02.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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