



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

CRM-M-67048-2025

Date of decision : 21.05.2026

Shankar Bahadur @ Sankar Saud

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Babneet Singh, Advocate
for the petitioner.

Mr. Ekompal Sagoo, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.58 dated 11.06.2023, under Section 302 of the IPC, registered at Police Station Dehlon, Ludhiana, Punjab.
2. Succinctly, facts of the present case are that the FIR has been lodged on the statement of Narinder Bahadur Saud. It was alleged that he is working as Gateman in Factory at Millgerganj and is residing with his parents at Ludhiana. They are two brothers. His cousin, namely, Udey Bahadur is working as Chowkidar in Village Alamgir. He and his cousin used to work for one Kamaljit Singh also. His Uncle Jusse Saud (deceased) was residing with his cousin at Alamgir and they both were doing the Chowkidar work. It was alleged that on 13.05.2023, Udey Bahadur went to his native place at Nepal to meet his children while his Uncle Jusse Saud was residing alone and was doing night Duty as Chowkidar in the Village Alamgir. Shankar Bahadur (petitioner) who is the friend of his Uncle Jusse Saud started residing with him at Alamgir and even started working as Chowkidar in the said Village. The



complainant used to meet his Uncle by visiting him. It was alleged that on 07.06.2023, he received a telephonic call from his another Uncle namely, Kansi Ram from Mumbai that he tried to call on phone of Jusse Saud but his phone was switched off and when he went to the house of his Uncle Jusse Saud, he came to know that his Uncle has not returned to his house for the last 4/5 days. On enquiry, he found one unclaimed deadbody in a burnt condition in the fields near Jharkhar Canal. He narrated the same to his other family members and on 09.06.2023, when he came to the Civil Hospital Dehlon alongwith his family member, then he was told by the Police that the said body belongs to Jusse Saud. Thus, his uncle was murdered by some unknown person in mysterious circumstances. Later on he came to know that his Uncle Jusse Saud and Shankar Bahadur (present petitioner) had some dispute regarding the salary and thus, his Uncle was murdered by said accused Shankar Bahadur. Hence, request was made to take legal action against the accused. Thus, the FIR was registered. On registration of FIR, investigation commenced and petitioner was arrested on 07.06.2023. On completion of investigation, challan was presented and on framing of charges, the trial commenced. Petitioner approached the learned Additional Sessions Judge, Ludhiana, for grant of bail, however, after hearing both the sides, the same was dismissed vide order dated 04.11.2025. Being aggrieved, petitioner is before this Court by way of filing the present petition for grant of concession of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been roped in the present case only on the basis of assumptions and presumptions. He has submitted that the dead



body was found totally burnt and no DNA etc. was conducted by the prosecution to identify the dead body and it is only on the basis of a Shirt, it has been assumed to be the body of Jusse Saud. He has contended that the recovery of the SIM Card and leather belt has been planted upon the petitioner and they are not sufficient to prove the guilt of the petitioner. He has submitted that the petitioner has been made a scapegoat by the investigating agencies and he has no criminal antecedents. He has contended that the complainant and the deceased side belong to Nepal and on the last occasion, complainant appeared before the trial Court on 10.04.2024 and thereafter, he is not even appearing before the trial Court and he is said to have gone to his native place in Nepal. He has contended that the false implication of the petitioner is writ large as he is behind the bars from last about 03 years. He thus, has submitted that the petitioner be granted the concession of regular bail.

4. Learned State counsel has, however, opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner used to live with the deceased. He has submitted that last time, the deceased was seen in the company of the petitioner. He has also submitted that there is a recovery of SIM Card and a leather belt with which the deceased had been strangled to death by the petitioner. He, on instructions, has submitted that out of 12 prosecution witnesses, only 02 witnesses have been examined so far. He 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 the case of the prosecution is evidently based on circumstantial evidence. As submitted before this Court, there is a



recovery of one belt and SIM Card. The complainant himself has submitted before this Court, he is not appearing before the trial Court from last about 2 years. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 02 years, 11 months and 05 days as on 20.05.2026. 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.

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.

21.05.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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