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

CRM-M-70060-2025

Date of Decision: 29.04.2026

Nisar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Salman Ahmad, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Kartar Singh, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.79 dated 21.04.2022, registered under Section 147, 149, 341, 406, 427, 506, 201 IPC (Section 302 IPC added lateron), at Police Station Bahin, Palwal.

2. Succinctly, facts of the case are that the FIR in the present case has been lodged on the statement of complainant Ali Jan. It was alleged that his motorcycle bearing registration No. HR-52C-1827 was borrowed by Nisar (petitioner) for some purpose. However, Nisar did not return it to the complainant on one pretext or another. On 14.04.2022 at about 12:00 p.m., Nisar came to house of Hurmat in their Village Khaika with the same motorcycle and as soon as the complainant side came to know about that, they asked Nisar to return the motorcycle but he abused them. Two hours thereafter, Nisar attacked them alongwith 12-13 persons in which Nisar (petitioner), Nayab and Naseer son of Rahman attacked his father Irmat with iron rod and sticks and badly injured him. Rahul, Kalwa and Shukla attacked his brother Jahul with iron rods and axes. Waheed, Noordin and Hurmat attacked the complainant Ali Jan by entering into house with sticks, axes and



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iron rods in which he also received injuries. Other co-accused persons had attacked them inside their house with stones and bricks in which his brother Saheed also received injuries and household articles got damaged and they also damaged their motor-cycle bearing registration No. HR-52C-6873. On account of injuries complainant took his father and brothers to Government Hospital, Hathin from where they were referred to Nalhad Hospital, Nuh. Thus, request was made to take legal action against the accused persons. On this basis, initially FIR under Sections 147, 149, 323, 341, 506, 406, 427 IPC was registered and during investigation Imrat succumbed to injuries on account of which Section 302 IPC was added. The petitioner was arrested on 11.05.2023. He approached the Court of learned Additional Sessions Judge, Palwal 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 28.11.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He contends that the alleged occurrence took place on 14.04.2022, whereas, death of Imrat took place on 05.05.2022 i.e. after 21 days of the occurrence. He submits that the FIR has also be registered after an unexplained delay of one week i.e. on 21.04.2022. He contends that from the allegations made in the FIR, the injuries were attributed to three of the accused, out of which one accused was declared innocent during the investigation and other one has already been enlarged on bail. He also



contends that the ocular version is also not even medically corroborated. To buttress his arguments he submits that the deceased died 21 days after the occurrence, which in itself shows that there was no intention on the part of the petitioner, thus, offence under Section 302 IPC i.e. culpable homicide amounting to murder is not even made out. He submits that the petitioner is not involved in any other case of the similar nature, though he is involved in one more case, however, he is on bail in the same. He further contends that de novo trial has commenced and thus, there is no likelihood of the trial to be concluded in near future. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has opposed the contentions made by counsel for the petitioner. He submits that the petitioner is the main accused, who caused fatal injuries to the deceased and thus, he does not deserve the concession of regular bail.

5. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. She has drawn the attention of this Court to the status report filed and has submitted that the injuries caused by the petitioner resulted into the death of Imrat. She 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 registered after seven days of the occurrence. The deceased died after 21 days of the occurrence. The petitioner was alleged to be given iron blow alongwith three other accused and out of them, one accused was declared innocent during investigation and one accused is on bail. As argued before this Court, on the application under



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Section 319 Cr.P.C. filed by the prosecution, five more accused have been added and thus, de novo trial has commenced. As per the custody certificate, the petitioner has completed incarceration of 02 years, 11 months & 16 days as on 28.04.2026. Custody certificate of the petitioner further shows that the petitioner is involved in one more case.

7. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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. 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



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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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

29.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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