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

CRM-M-70567-2025

Date of decision : 23.01.2026

Siya @ Siya Nain

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed by the petitioner praying for grant of regular bail in case FIR No.421 dated 14.11.2021, under Sections 302, 324 of IPC and Section 25 of Arms Act, registered at Police Station Narwana Sadar, District Jind.

2. Succinctly, the facts of the present case are that the FIR in question was registered on the statement of the complainant, namely, Kuldeep. It was alleged that his brother, namely, Hardeep @ Jadeja (since deceased) was of the age of about 32 years and was working at Liquor vend of Joginder Contractor. It was alleged that on 14.11.2021 at around 8:15 am, he received a call from Joginder Contractor that Hardeep had been shot in village Gursar. On receiving the information, complainant reached at village Gursar and found the dead body of his brother Hardeep @ Jadeja lying on the way opposite the house of Shobha Chand. He enquired on his own level that at about 8:00 am when his brother reached village Gursar after supplying liquor to the liquor vend then Manjeet @ kala along with 4/5 other persons waylaid his brother's car near Govt.

School Chowk of village Gursar and they fired indiscriminately upon his



brother and on account of the same his brother died. Thus, the request was made to take legal action against all the accused persons. On registration of the FIR, the investigation commenced. The postmortem of the dead body was conducted. The co-accused Manjeet @ Kala was arrested and on his disclosure, complicity of petitioner was surfaced and resultantly, he was arrested on 20.11.2021. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Jind, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 06.12.2023. Being aggrieved, the petitioner earlier approached twice this Court by way of filing of CRM-M-64476-2023 and CRM-M-20394-2025, however, the same were declined on 11.07.2024 and 05.08.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition for grant of concession of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was named in the FIR nor any specific role had been attributed to him. He submits that the petitioner has been roped in the present case on the basis of disclosure statement of co-accused, Manjeet @ Kala. He submits that neither any recovery has been effected from him nor the petitioner had any motive. He submits that there is no admissible evidence produced by the prosecution against the petitioner. He submits that the petitioner is behind bars from last more than 04 years but the case is still under trial. He submits that though the petitioner is involved in 02 other cases, however, the same are for petty offences. He vehemently contends that keeping in view the evidences produced by the prosecution



and the custody period of the petitioner, he deserves to be granted bail.

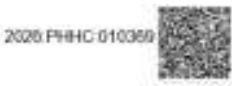
4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is the mastermind in the present case and his complicity surfaced during investigation. He submits that out of 04 accused only 01 accused, is on bail. He, on instructions, submits that out of total 33 prosecution witnesses, 17 witnesses already stand examined. He has produced 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 prosecution is based on the circumstantial evidences. The alleged occurrence had taken place on 14.11.2021. The petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused Manjeet @ kala and was arrested on 20.11.2021. The recovery of the weapon is also said to have been effected from the co-accused. The custody certificate produced would show that the petitioner has suffered an incarceration of 04 years, 01 month and 14 days as on 22.01.2026. It further reflects that the petitioner is involved in 02 more cases, however, the same are for petty offences. Needless to say that speedy trial is the fundamental right of every accused.

6. 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.

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 and thus, keeping in view the custody of the petitioner which is more than 04 years and only 17 witnesses have been examined so far, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, 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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

23.01.2026
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(**RAJESH BHARDWAJ**)
JUDGE

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