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

CRM-M-39968-2025

Date of Decision: 22.12.2025

Ankit @ DC

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Pankaj Nanhera, Sr. Advocate with
Mr. Anurag Mor, Advocate, for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.352 dated 09.07.2023 under Sections 307, 392, 394, 511 IPC and Section 25 of Arms Act (Section 511 IPC deleted and Section 397 IPC added lateron), registered at Police Station Adrash Nagar, District Faridabad.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Anjali Jain. It was alleged that they are running a grocery shop in the name of Jain Kirana Store. On 09.07.2023 at about 08:20 p.m., she alongwith her husband was present in the shop and three customers were present there. In the meantime, three boys armed with weapons entered into the shop. They pointed out gun on her head and threatened to hand over the cash. Then she saw that another boy pointed out gun on her husband. They hit the butt of the weapon of the head of her husband. On this they raised alarm. Her neighbour Shamsuddin came to rescue them, but one of boys shot at Shamsuddin with intention to kill him. All those boys managed to escaped on their motorcycle. Husband of the complainant and Shamsuddin were shifted to the hospital. Request was



made to take legal action against the culprits. FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner was surfaced and he was arrested on 21.07.2023. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad 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 18.07.2025. Hence, the petitioner has approached this Court praying for grant of regular 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 roped in the present case. He submits that the petitioner is behind the bars since the date of his arrest i.e. 21.07.2023. To buttress his arguments, he submits that the material witnesses i.e. the complainant, her husband and the injures were examined before the trial Court as PW-3 to PW-5 and all these witnesses have not supported the case of the prosecution and have been declared hostile. It is submitted that though the petitioner is prosecuted in two other cases, however, he is on bail. It is submitted that the petitioner has completed incarceration about 2½ years and the all the material witnesses already stand examined and there is no probability of petitioner influencing the prosecution witnesses. He submits that even otherwise all the material witnesses have not supported the case of the prosecution. He, thus, submits that petitioner, deserves to be granted bail primarily on the ground of his long incarceration.

4. *Per contra*, learned State counsel has vehemently opposed the



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submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner surfaced during investigation. He submits that even if the material witnesses have not supported the case of the prosecution, total testimony of the hostile witnesses cannot be ignored. On instructions, he submits that out of total 29 prosecution witnesses, 05 witnesses have been examined. 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 petitioner in the present case was arrested on 21.07.2023. All the material witnesses i.e. the complainant, her husband and the injured, have not supported the case of the prosecution. Perusal of the custody certificate would show that the petitioner has suffered incarceration of 02 years, 05 months & 01 day as on 21.12.2025. It further shows that the petitioner is involved in two more cases, out of which in one case, he is on bail.

6. 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.”

7. The Hon'ble Supreme Court in a recent decision dated



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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 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.

9. 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.

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.

(RAJESH BHARDWAJ)
JUDGE

22.12.2025

sharmila

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