



136

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

**CRM-M No.57554 of 2025
Date of Decision: 24.03.2026**

Ramesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manjeet Gahlawat, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.884, dated 17.12.2021, under Sections 302, 201, 34 of IPC, registered at Police Station Assandh, District Karnal, Haryana.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Komal. It was alleged that on 14.12.2021, at about 08:00 A.M., complainant's husband had gone to work and after that, the complainant called him since 7'o clock but he did not pick up the phone and till 17.12.2021, he was not traced. His mobile number was switched off. Thus, the request was made to take legal action. On the basis of the same, the FIR was registered. On



registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Ramesh surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 22.12.2022. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Karnal praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Karnal dismissed the bail application filed by the petitioner vide order dated 04.04.2022. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-20592-2024, however the same was dismissed vide order dated 19.05.2025. Hence being aggrieved, the petitioner is again before this Court praying for grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that evidently the case of the prosecution is based on the circumstantial evidences. He has submitted that the petitioner has been roped in the present case on the basis of allegations that he had illicit relations with the wife of the deceased, however, there is no evidence regarding the same. He has submitted that body of the deceased has been found after 07 days, from the date he went missing, from the canal. He has submitted that as per the postmortem, however, there is no definite opinion given regarding the cause of death. He has submitted that the recovery of the motorcycle and the tiffin of the deceased has been planted upon the



petitioner. He has submitted that there is no reliable evidence produced by the prosecution for proving the complicity of the petitioner. He has submitted that the petitioner is behind bars from last more than 04 years but the prosecution is intentionally delaying the trial to prolong the incarceration of the petitioner and thus, his right of speedy trial has been miserably defeated. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was having the illicit relations with the wife of the deceased. He has submitted that the petitioner and the wife of deceased in connivance with each other, in a premeditated manner, has murdered the deceased. He has submitted that wife of the deceased, who was the co-accused of the petitioner, died during the trial. He has submitted that on the demarcation of the petitioner, the motorcycle and the tiffin of the deceased were recovered. He, on instructions, has submitted that out of total 19 prosecution witnesses, 13 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is admittedly based on the circumstantial evidences. The evidence against the petitioner, as contended before this Court, is the recovery of the motorcycle and tiffin of the



deceased from him. The petitioner is behind bars since the date of his arrest, i.e. 22.12.2022. Custody certificate produced would show that the petitioner has suffered an incarceration of 04 years, 02 months and 26 days as on 20.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 19 prosecution witnesses, 13 witnesses have been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

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. 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.

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 cases.

24.03.2026

rittu

(RAJESH BHARDWAJ)
JUDGE

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