

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

\*\*\*\*

**CRM-M-18666-2025 (O&M)**

**Date of Decision: 09.04.2025**

\*\*\*\*

Sunny

... Petitioner

VS.

State of Haryana

... Respondent

\*\*\*\*

**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**

\*\*\*\*

Present: Mr. Tejas Bansal, Advocate for the petitioner

Mr. SS Pannu, Addl. AG Haryana

\*\*\*\*

**Sandeep Moudgil, J.**

**Relief claimed**

(1). This petition has been filed under Section 483 of BNSS of 2023 for grant of regular bail to the petitioner in FIR No.360 dated 06.12.2024 under Sections 191(3), 190, 115(2), 109, 351(3) of Bharatiya Nyaya Sanhita (BNS) and Sections 25, 54, 59 of Arms Act (Sections 50, 54 & 333 of BNS added later on) registered at Police Station Faridabad Old, District Faridabad.

**Facts**

(2). Facts as emerging in the FIR is reproduced as under:-

*"That I, am Vakil Qureshi, resident of House No. 234, Ward No. 8, Sarai Khairati, Old Faridabad. I am 25 years old. I have a meat shop in the Meat Market. Today on 06.12.2024 at 11.57 AM I received a call on my MOB NO 9871219686 from 7011346424, who started threatening me to kill me and started abusing me. And said that today I am coming to your shop to kill you. In this regard, I had given an application (in Police Station OLD FBD) against (1) Attu S/O Satish (2) Pradeep alias Tiger. After that today on 06.12.2024 at around 2.00 PM, I was at my shop. (1) Pradeep alias Tiger resident of Bhudhena came with a pistol in his hand with him (2) Salman Qureshi S/O Mubeen Qureshi currently resident of Sai 86 came with a pistol in his hand (3) Jafar S/O Kammu*

*(4) Bhubin S/O Kammu and (5) Attu S/O Satish resident Old Bazar Faridabad and (6) Sonu alias Tiger resident of Bhudhena and with them 20-30 other people came to Bagreha with weapons in their hands. And these people attacked us. In which (1) Pradeep alias Tiger (2) and Salman S/O Mubeen Qureshi both had pistols in their hands and they fired at my father Vakil Qureshi with the intention to killing him. The bullet hit his leg and Jafar, Mubeen and Attu, Sonu these people fired at my uncles. In which my uncle narrowly escaped. And the other people there attacked my house with weapons. My grandmother was seriously injured in the attack by the attackers. Seeing the attackers, a huge crowd gathered there and seeing the crowd, the attackers fled from the scene brandishing weapons, we hurriedly took our father to the hospital. It is my humble request to you that strictest legal action be taken against the said culprits. And we are in danger to our life and property from these people, hence you are requested to provide us security. Your kindness will be appreciated. Thank you Applicant Anwar S/O Wakeel Qureshi..”*

**Contentions of the petitioner**

(3). Learned counsel for the petitioner contends that no fire arm injury has been attributed to the present petitioner as the same was attributed to co-accused Vakil Qureshi. He further contends that co-accused namely, Deepanshu, Tushar, Manoj @ Attu, Jafar Qureshi, Paras @ Paalu and Sameer Salmani have already been granted the concession of regular bail and Sonu has been granted the concession of anticipatory bail by this Court, as detailed in para 9 of the petition. He submits that the petitioner’s case is on a better footing than the co-accused Pardeep @ Tiger against whom gun-shot injury has been attributed, too has been granted concession of regular bail by this Court vide order dated 06.03.2025 passed in CRM-M-11447-2025 (Annexure P4).

**State's contention**

(4). Learned State counsel has filed the custody certificate of the petitioner, which is taken on record and in terms whereof the petitioner has undergone 4 months and 3 days of custody and after submission of challan on 04.03.2025, the matter is pending for fixing of charges on 25.04.2025 and out of 26 PWs, none have been examined till date.

(5). He, on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner has been attributed gun-shot injury and there are serious allegations of committing the act of murderous assault upon the complainant party with intention to kill the complainant, in connivance with the co-accused and as such he does not deserve any leniency also keeping in view the fact that he has undergone only hardly 4 months of custody.

**Analysis**

(6). Heard learned counsel for the parties.

(7). Taking into consideration the totality of the circumstances; the fact that the co-accused of the petitioner have already been released on bail and that nothing is to be recovered from his possession and also that criminal antecedents of petitioner are clean; investigation is complete, challan has been presented on 04.03.2025 and also out of total 26 prosecution witnesses, none have been examined so far, which is suffice for this Court to infer that the conclusion of trial will take a long time for which the petitioner cannot be detained behind the bars indefinitely.

(8). Reliance can be placed upon the judgment of the Apex Court rendered in “**Dataram versus State of Uttar Pradesh and another**”, 2018(2)

**R.C.R. (Criminal) 131**, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception.

(9). Therefore, to elucidate further, this Court is conscious of the fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in **“Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98**. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

**Relief :**

(10). In view of the aforesaid discussions, this petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(11). However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(12). The petition in the aforesaid terms stands allowed.

09.04.2025

V.Vishal

**(Sandeep Moudgil)**  
**Judge**

1. Whether speaking/reasoned?  
2. Whether reportable?

Yes/No  
Yes/No