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

**CRM-M-44325-2024  
Date of decision:-06.05.2025**

**TALIM****... Petitioner****Versus****STATE OF HARYANA****... Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Satish Chaudhary, Advocate for the complainant.

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**SANJIV BERRY, J.(ORAL)**

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case:-

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
31	04.02.2023	148, 149, 302, 506, 120-B IPC and 25 of Arms Act	Punhana, District Nuh

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner had been in custody in another case when the instant occurrence took place and no specific overt act is attributed to the petitioner in the alleged crime and infact he was arrested on 28.02.2023 in pursuance



to the production warrants. He contends that as per the allegations, the petitioner is stated to have hatched the conspiracy, however, there is no substantive evidence on record to establish such allegations. He contends that similarly placed co-accused Rajida has been granted concession of bail by learned Sessions Judge, Nuh on 03.10.2023 (Annexure P-4). Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State, have opposed the bail petition and prayed that the petitioner is alleged to have hatched the conspiracy in committing murder of the deceased, as such, he is not entitled to concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Javed alleging that on 04.02.2023 at about 09:00 am while his uncle Nasruddin @Nasru was having tea at the tea stall then 9-10 persons came there on three motorcycles along 1-2 persons on foot and on the lalkara being raised that due to pressure, Samsu and Talim of their party are undergoing custody, accused Sadil fired gun shots followed him, Nawab and Nasrudden also fired. The injured were shifted to hospital, where he expired.

6. Consequently, the petitioner was arrested on the allegations of having hatched conspiracy with Samsuddin, Irshad and Rajida to eliminate the said Nasruddin. The petitioner was arrested in this case on 28.02.2023 in pursuance of production warrants as at the relevant time he was lodged in jail. The challan has already been presented in Court wherein prosecution



has cited 26 witnesses and only 3 witnesses have been examined till date. It is not disputed that no injury is attributed to the petitioner nor he was present at the time of the occurrence but the allegations against him is of hatching conspiracy. Similarly placed co-accused Rajida has also been granted concession of bail by learned Sessions Judge, Nuh on 03.10.2023 (Annexure P-4). The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**06.05.2025**

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No