



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62714-2024

Reserved on: 10th March, 2025

Pronounced on: 18th March, 2025

Taj Mohd.

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurav Bhatia, Advocate and
Mr. Baljinder Singh, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Ms. Rosi, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 78 dated 28.02.2022 registered under Sections 148, 149, 323, 452, 285, 427 and 506 of IPC at Police Station Punhana, District Nuh.

2. Brief facts of the case, relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the written complaint lodged by complainant Ibrahim alleging that on 26.02.2022, accused Liyakat, who is Sarpanch of his village, along with the co-accused entered inside the house of his cousin brother Naseem, while being armed with weapons. Accused Liyakat raised a *lalkara* by saying that Naseem should be killed and thereafter, the present petitioner fired a shot with country made pistol upon Naseem. The pellets of the bullet, injured Naseem. Accused Khurshid struck a blow with a country made pistol on the head of



Naseem. On hearing noises, the complainant rushed towards the spot and raised alarm. Several persons from the neighbourhood had reached there and tried to save Naseem and his family members. However, the assailants fired shots with pistols upon them also due to which they too sustained injuries. Police was informed and then, the assailants fled away. The victims had been rushed to hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 24.09.2024. The co-accused had also been arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in lodging of the FIR. The injured Irshad did not record his statement on the day of incident itself though he was opined to be fit to make the same, thereby creating a doubt about the veracity of his version. No recovery has been effected from the petitioner. He is in custody since long. Trial would likely to take time as even charges have been framed. The co-accused Saruman and Zakir have been extended benefit of bail. On parity, he too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant that there are serious allegations against the petitioner. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable



length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have trespassed into house of the victim Naseem on the fateful day and is alleged to have caused injuries to him by firing shots upon the victim and some other persons. The pellets of the shot fired by him have injured victim Naseem. As per the medical opinion given by the concerned doctor of Government Medical College & Hospital, Nalhar, Mewat, the injury Nos. 3,4 and 7 as found on the person of Irshad had been opined to be dangerous. These injuries have, however, not been attributed to the petitioner. The petitioner is in custody since 24.09.2024. Challan has been filed. Trial is likely to take time. He is involved in two more cases but that cannot be considered to be a ground for denying benefit of bail to him. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*