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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2451-2025
DATE OF DECISION: 11.03.2025

MOHD. NIZAMUDDIN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Siddarth, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 483 of the BNSS, 2023 seeking the concession of regular bail for the petitioner in FIR No. 533 dated 27.08.2021 under Sections 302, 364, 404, 201 and 120-B IPC and Section 25 of Arms Act registered at Police Station Surajkund, District Faridabad.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

'To SHO Sahab Thana Surajkund Faridabad Sir | Sameed Ahmed S/o Late Safiq Ahmed R/o Village Bankawala Tehsil Thakurdwar District Moradabad Uttar Pradesh address Block-D, Street No.1 H.No. 129, Ratia Marg, Sangam Vihar, New Delhi. I work as a carpenter, I have four children, two sons



Nawazis, Sohail and two daughters Rabia, Muskaan. My daughter Rabia used to work in Civil Defence in DM Office, Lajpat Nagar, Delhi. Mohd. Nizamuddin S/o Munir Khan address Village Baiyapur, Police Station Pahsu, Tehsil Sikapur District Bulandshahr Hall Jaitpur Part-2, Delhi had helped my daughter Rabia in getting a job in Civil Defence and we met Mohd. Nizamuddin through our daughter Rabia. On 26.08.2021, at around 11 o'clock, Rabia left for duty, but she did not return home in the evening. When I searched my daughter Rabia, I came to know that above said Nizamuddin killed my daughter Rabia by slitting her throat Surajkund Pali Road near liquor shop. We also came to know that Nizamuddin has admitted the murder of my daughter. Strictest legal action should be taken against Nizamuddin above and postmortem of Rabia should be done. Sameed Ahmed 9540965150, Police proceeding done today on 27.08.2021, the Inspector/SHO was present at the police station and Bajaria phone information was received from ASI Sajid Hussain 1387, Bajaria phone information was received from police station Kalandi Kunj Delhi in Chowki Ankheer that Mohammad Nizamuddin S/o Munir Khan Rio Village Baiyapur Police Station Pahsu, Tehsil Sikapur, Hall Jaitpur, Delhi came to the police station Kalandi Kunj and told that he had killed his wife Rabia daughter of Sarnid Ahmed resident of Sangam Vihar, Delhi on Surajkund Pali Road by slitting her throat. Informed Inspector SHO HC Rajiv No.484 LCT Sangeeta No.3620 here Pali Surajkund Road Baraye proceedings reached near liquor shop which is here ASI Sajid Hasain No. 1387 HC Arvind 3175 CT Sanjay 2966 Driver CT Anil 4046 via Government vehicle & crime seen team Smt. Manisha has been present on the occasion, Sameed Ahmed, the father of the deceased Rabia has met the above and presented the above application, which is strongly supported by the application under Section 302 IPC has been found to be lodged and inform the area Magistrate and Afsaran Bala by the special



carrier from the special report. I am to be the inspector/SHO Mashroof action 174 CrPC P.S. Pali Surajkund Road Near Liquor Shop Sd./- Kuldeep Singh Inspector/SHO P.S. Suraj Kund Faridabad dated 27.08.2021 at 01:10 PM P.S. Hasb Amda Tahrir Case No.533 dated 27.08.2021 Section 302 IPC Police Station Surajkund District Faridabad. After registering the copies of the FIR by preparing the copies thereof in the computer, the special report Badast Special Constable S. Sarwan Kumar 1431/Fari area Magistrate and concerned officers will be sent to the higher officers. Copy of the originals provided to the concerned official. and sent at the spot of the incident by the Inspector/SHO. Note Duty Officer is Ishwar Singh 1325 and IO Kuldeep Singh Inspector/SHO in the case.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he was neither present nor involved in the said offence. He further argues that no recovery has been effected from the petitioner and he has been arrayed as an accused on the basis of supplementary statement of complainant which was certainly an afterthought added with the fact that despite having no role in the alleged offence, the petitioner is in custody since 27.08.2021 and no useful purpose is being served by keeping him behind the bars.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record.



According to which, the petitioner is behind bars for 3 years 6 months and 3 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that it is after diligent investigation the petitioner has been arrayed as an accused in the instant FIR and the recovery of knife from the shop of co-accused is sufficient enough to connect the petitioner with the commission of the offence in the present case. Moreover, challan stands presented on 30.11.2021 and charges stands framed on 05.01.2022.

Heard learned counsel for the respective parties at length.

4. Analysis

This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "*Saumya Churasia versus Directorate of Enforcement*, decided on 14.12.2023", when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused's presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the



merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

The Apex Court in case '*GudikantiNarasimhulu vs. Public Prosecutor, High Court of A.P*'; (1978) 1 SCC 240', has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

In "*Chenna Boyanna Krishna Yadav Vs State of Maharashtra & Anr* (2007) 1 SCC 242 , the Apex court has held that when the gravity of the offence alleged is severe, long period of incarceration or the fact that the trial is not likely to be concluded in the near future either by itself or conjointly may not entitle the accused to be enlarged on bail.

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that the petitioner had inflicted injuries to deceased with sharp knife which stands recovered from the shop of co accused. The offence is of heinous nature added with the fact that challan stands presented to Court on 30.11.2021, charges have been framed on 05.01.2022 and out of total 30 prosecution witnesses, 07 witnesses have been examined so far, meaning thereby the trial is moving at its pace to reach to the conclusion and if the petitioner is



granted bail, there are high chances to tamper with the prosecution evidence which can also hamper the trial.

5. **Relief**

Hence, in the light of above stated facts and circumstances, this petition is sans merit and is hereby dismissed.

However it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

11.03.2025
anuradha(v)

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No