

CRM-M-44435-2025

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

CRM-M-44435-2025
Date of decision: 27.08.2025

SAKIR**...Petitioner****Versus****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr.DAG, Haryana.

SUBHAS MEHLA, J (Oral):

1. Present petitioner has filed 4th petition under Section 483 BNSS for grant of regular bail in FIR No.0279, dated 05.11.2022, under Sections 148, 149, 323, 341 and 506 of IPC (later on added Sections 285, 325 and 307 of IPC and Section 25 of Arms Act, registered at Police Station Pinangwa, District Nuh (Annexure P-1).

2. Learned counsel for the petitioner contended that in the present case only two accused have been arrested till date. There is a cross version case bearing FIR No.280 of 05.11.2022 in which the complainant party is accused and no accused has been arrested from the complainant side. The allegation of causing gun shot injuries find mention in that FIR *qua* the complainant. The petitioner is not alleged to have used any fire arm or dangerous weapon. He is alleged to be armed with danda at the time of incident but no detail as to how and against whom it was used is mentioned. The gun shots injuries are attributed to co-accused namely Tahir. The present petitioner is in custody since 20.07.2024. The trial is not proceeding. No witness has been examined till date. Except the present case, no other criminal case is pending against the petitioner and prayed for



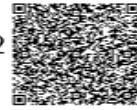
bail.

3. On the other hand, learned State counsel submitted that in the present case the co-accused is at large and the petitioner along with co-accused is alleged to have fired gun shot injuries to the complainant. He fairly concede that gun shot injury is not attributed to the present petitioner and after his arrest he has also got recovered a danda. It is also admitted that not even a single prosecution witness has been examined out of 28 witnesses cited by the prosecution in the present case. He further submitted that application of the petitioner for regular bail has been dismissed by a Coordinate Bench of this Court vide order dated 21.10.2024 passed in CRM-M-50530-2024.

4. Heard.

5. The petitioner is in custody since 20.07.2024. Although, the allegations against the petitioner may be serious but where there is delay in the trial the concession of bail must not be denied. The Apex Court in **“Hussainara Khatoon Vs. Home Secy. State of Bihar” (1980)1 SCC 81**, had declared that right to speedy trial of offenders facing criminal charges is “implicit in the broad sweep and content of article 21 as interpreted by this Court”.

6. The earlier application of the present petitioner was dismissed by this Court vide the aforesaid order observing that charge sheet has been filed. No prosecution witness has examined. The trial is lingering as during the period of 09 month, the trial has not proceeded and it is also the case that the co-accused have not yet been arrested in this case. Even the complainant party who is also accused in a cross case bearing FIR No.280 dated 05.11.2022 is not arrested. The gun shot injury is not attributed to the present petitioner and the allegation against the petitioner is that he was



armed with danda at the time of incident. The present petitioner is behind the bars for the last one year and from the facts of the case it is clear that trial is not proceeding due to the non appearance of the witnesses.

7. The Hon'ble Supreme Court in a case titled as "**Nitish Adhikary @ Bapan Vs. The State of West Bengal**" has held as under:-

".....During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. the trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner."

8. Without expressing on the merits of the case, and taking into account the fact that it is a version and cross-version case; not even a single witness has been examined, no fruitful purpose will be served by keeping the petitioner behind the bars any further and there is every likelihood of the trial being not concluded in near future, regular bail petition filed by the petitioner is allowed. Petitioner-Sakir is ordered to be released on bail furnishing requisite bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(SUBHAS MEHLA)
JUDGE

27.08.2025

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