



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

340

CRM-M-12217-2025 (O&M)

Date of Decision:- 02.04.2025

NAWAB ALI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gaurav Vir Singh Behl , Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
639	05.12.2019	148, 149, 307, 34, 506 IPC; 25 of the Arms Act; (29 Arms Act and 120-B IPC added later on)	Ambala Cantt. District Ambala

2. 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 the petitioner was not named in the FIR, but has been nominated on the alleged disclosure statement of co-accused Amzad Khan and consequent thereto the petitioner was arrested on 01.04.2022 and since then he is in custody. He further contends that no recovery has been effected from him in the present case so as to connect him with the offence. He

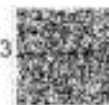


submits that challan has been presented in Court and the petitioner is not required for further investigation. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments by submitting that the petitioner has been attributed specific role in the crime that he had been supplying the illegal weapons to the co-accused, which was used in the commission of crime. He submits that the petitioner is one of the main conspirator in the case, as such, does not deserve the concession of bail. Thus, prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the complaint moved by the complainant on 04.12.2019 alleging that he is working as Coolie on the Railway Station and on 04.12.2019 at about 08:30 AM, he along with his friend Jeetu @ Diwakar, Manish and one another boy, who is friend of Jeetu were going from Topkhana to Kalarheri in a Car bearing No.HR-51P-3917 and on reaching street No.3, 7-8 boys on three motorcycle came from behind who were armed with weapons and attacked them with their weapons with intent to kill them. As per the complainant, the assailants had also fired due to which he along with Jitu and Manish sustained gunshot injures. The complainant noticed that the assailants included Saurav @ Mao, Arjan @ Aju, Pandit @ Shami, Randhir and Aman @ Gappu along with 2-3 unknown persons. The injured was shifted to hospital and the FIR was



registered.

6. During the course of investigation, co-accused Amzad Khan was arrested and name of the petitioner surfaced in his disclosure statement (Annexure R-3) and accordingly the petitioner was nominated and arrested in this case on 01.04.2022 and since then he is in custody. It is not disputed that no recovery has been effected from the petitioner in the present case. Challan has already been presented in Court, wherein the prosecution has cited 37 witnesses but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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 evidence of prosecution in any manner.

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

(SANJIV BERRY)
JUDGE

02.04.2025

S.Sharma(syr)

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