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

CRM-M-9904-2025

Date of decision : 23.07.2025

Sekh Abdul Rahim @ Sheikh Abdul Rahim

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.423 dated 03.11.2022 under Sections 147, 148, 149, 302, 307 & 506 of IPC (Later the charges under Sections 147, 148, 149, 307 IPC were dropped and the charge under Section 34 IPC was added) registered at Police Station Badshahpur, District Gurugram.

2. Succinctly the facts of the case are that the present case was registered on the statement complainant, namely, Ziaul S/o Ayasudin. It was alleged that he belongs to West Bengal and was living in village Fazilpur, District Gurugram, where he was working as a mason. On 02.11.2022, he and his brother, namely, Sirajul @ Shera (deceased) along with other labourers were doing the work of masonry and at about 4:00 P.M., Sheikh Abdul Rahim (petitioner) came with a rickshaw and he started abusing them. They raised objection to the same, however, he went



away by threatening him. After some time, he came along with Abdul Karim (juvenile) and Ritik Singh. All of them were armed with the sticks. They opened attack upon Sirajul @ Shera with an intention to kill. He was beaten up with sticks and in the meantime, Ritik picked up a sickle and hit his brother Sirajul @ Shera on the head. His brother fell unconscious and thereafter all the assailants escaped from the place of occurrence. They shifted their brother Sirajul Haq to the Hospital. During treatment, he succumbed to the injuries on 03.11.2022. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the petitioner was arrested on 03.11.2022. On the presentation of the challan, learned trial Court framed the charges and proceeded with the trial. The petitioner approached the Learned Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Gurugram vide order dated 14.01.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that both the petitioner as well as the deceased, belongs to West Bengal, who were working as labourer in Gurugram. He submits that from the allegations made, there was no motive attributed to the petitioner. He submits that the petitioner had allegedly hit the deceased with a stick on the legs. The fatal injury was attributed to the co-accused. He further submits that the complainant is intentionally not appearing before the trial Court for his examination and his non-bailable warrants had also been



issued by the learned trial Court. Petitioner is behind bars since the date of his arrest and he has no criminal antecedents. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Mr. Surender Singh, HPS, Assistant Commissioner of Police, Badshahpur, Gurugram, Haryana, has already been filed, same is taken on record.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner had a specific motive who attacked the deceased in a premeditated manner. He submits that the petitioner had played an active role who was duly armed with the stick as well. It is submitted, on instructions from ASI Ashok Kumar, that out of total 28 prosecution witnesses, only 08 witnesses have been examined as on date. In all there are 03 accused, out of which 01 accused was a juvenile, who is already on bail. He has produced the custody certificate of the petitioner on record.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 02.11.2022, whereas the deceased succumbed to injuries on the next day i.e. on 03.11.2022. The petitioner was allegedly armed with a stick which hit the deceased on his legs. The petitioner is behind bars since the date of his arrest i.e. 03.11.2022. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 08 months and 19 days as on 22.07.2025. It further reflects that the petitioner has no criminal antecedents.



7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.07.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No