

2025:PHHC:087365



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-15026-2025

Date of decision: July 17, 2025

SAMEER IQBAL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.343 dated 10.08.2024 under Sections 109, 115(2), 190, 191(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Palam Vihar, District Gurugram (Annexure P-1).

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case is evident from the fact that firstly, he was not named in the FIR in question nor was any suspicion raised *qua* his involvement in the assault, which was carried out upon the injured-complainant; pertinently, when the injured-complainant stepped into the witness box as PW-3, he failed to support the case of the prosecution, much less identify the petitioner as being one of the alleged assailants, who participated in the assault on the fateful day. It has been, therefore, submitted that in the aforementioned facts and circumstances, moreso when the sole



material witness has been declared hostile, further incarceration of the petitioner in the present case would serve no useful purpose as 7 prosecution witnesses still remain to be examined.

3. Learned State counsel has filed status report by way of affidavit of the Assistant Commissioner of Police, Udyog, Gurugram on behalf of the respondent-State in the Court today, which is taken on record subject to all just exceptions.

4. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1). Learned State counsel, on instructions, however, has not disputed that the petitioner was neither named in the FIR in question nor was any specific role or injury attributed to him therein; on further instructions, learned State counsel has also not disputed that the sole material witness i.e. the injured-complainant, who was allegedly assaulted by the accused, including the petitioner, has been examined and declared hostile.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. The petitioner has been in custody since 07.09.2024. The sole material witness i.e. the complainant-injured has been examined and was declared hostile during trial. Annexure P-3, which is the deposition of the complainant-injured, also reflects the said fact. The trial is unlikely to



conclude in the near future as 7 prosecution witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

8. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

July 17, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*