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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16319-2025
Date of decision:-27.05.2025

SHARUKH
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Pradeep Duhan, Advocate, for the petitioner.
Mr. Amrik Singh Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 26.05.2025 of Assistant Commissioner of Police, Sohna, Gurugram, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
398	02.08.2023	147, 148, 149, 188, 302 and 506 IPC and 25 (1-B)(a) of Arms Act	City Sohna, District Gurugram

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, no specific overt act is attributed to the petitioner and he has no concern whatsoever with the allegations levelled in the FIR and has been nominated



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by co-accused Azrudin in his subsequent disclosure statement. He submits that petitioner is in custody since 30.12.2023 and case of petitioner is at par with co-accused Sakir @ Haddi who has already been granted concession of bail vide order dated 04.03.2025 passed in CRM-M-10231-2025 (Annexure P-2). Hence prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that petitioner being member of unlawful assembly had indulged in mob violence and has allegedly pelted brickbats in the said occurrence, as such he is not entitled to concession of bail. Hence prayed for dismissal of the bail petition. However he has not disputed the fact that co-accused Sakir @ Haddi who has already been granted concession of bail vide order dated 04.03.2025 passed in CRM-M-10231-2025 (Annexure P-2).

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint moved by one Pawan alleging that on 31.07.2023 at about 10:30 PM while he was going to Sohna from Nuh in his car and when he reached near Javed Colony, Nirankari College, he found 150 persons present there holding iron rods, pistol and stones in their hands and on the provocation of co-accused Javed, the said mob attacked him due to which his car got unbalanced and hit the divider and when he came out of car he was given beatings. He further stated that the mob also attacked his friend Pardeep and Ganpat and although Ganpat was saved due to police intervention but his friend Pardeep died due to the injuries. Hence the present FIR.

7. It is evident from the perusal of the record that the petitioner was not named in the FIR and his name surfaced during investigation on the



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second disclosure statement of co-accused Ajruddin @ Ajju, no specific overt is attributed to the petitioner and only allegation surfacing in his disclosure statement is of giving brickbat blow in the occurrence without any specific injury. The petitioner is in custody since 30.12.2023, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 52 witnesses and till date none of them have been examined. Moreover, co-accused Sakir @ Haddi who is at par with the petitioner, has already been granted concession of bail vide order dated 04.03.2025 passed in CRM-M-10231-2025 (Annexure P-2). The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining petitioner in custody any longer.

8. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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 the evidence of the prosecution in any manner.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025

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