



**CRM-M-16482-2025 and
CRM-M-64743-2024**

1

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

223

CRM-M-16482-2025

Mohd. Ayaz @ Mohd. Ayaz Ansari

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

223-2

CRM-M-64743-2024

Shahwan Ansari @ Mohd. Shahwan

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

Decided on :26.05.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. C.L. Verma, Advocate for the petitioner(s).

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of this common order, the above-mentioned petitions are being disposed of, as they arise out of the same FIR.

2. Present petitions have been filed under Section 483 of BNSS, seeking regular bail in case FIR No.0226 dated 15.12.2023, under Sections 307/34 IPC (Sections 302/201 IPC have been added later on), registered at Police Station Balongi, District SAS Nagar.

3. On 30.04.2025, the following contentions were recorded:

“It is argued that alleged occurrence took place in the morning of 15.12.2023 in which the person namely Imran Ahmed died. FIR was lodged at the instance of Furkan Ahmed, detailing therein that the injuries were caused with knife by accused



**CRM-M-16482-2025 and
CRM-M-64743-2024**

2

Mohammad Ayaz and Mohammad Shahwan, sons of Mehmood Gaznavi.

Complainant Furkan Ahmad and Sangeeta are the eye-witnesses in the case, who both have turned hostile. As per the FIR, the injuries have been caused to Imran Ahmed by knife, whereas, the knife was recovered from the possession of Mohammad Ayaz, which has not been sent for its examination to the Forensic Science Laboratory and from the other co-accused Mohammad Shahwan, there is a recovery of iron rod.

Counsel submits that the petitioner is inside the jail from 15.12.2023 and the witnesses have turned hostile, the chances of conviction are very bleak and thus prays for grant of bail.

On the other hand, the learned State Counsel explains his inability to argue the matter as he is not equipped with the brief.

Adjourned to 26.05.2025.

A photocopy of this order be placed on the file of the connected case.

4. Today, Mr. C.L. Verma, learned counsel for the petitioners, submits that both the eye-witnesses, namely Furkan Ahmad and Sanjida, have been examined, but neither of them supported the prosecution case. To substantiate his argument, counsel filed copy of the statements of eye witness Sanjida and Furkan Ahmed. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

Even the learned State counsel, upon being handed over copies of the statements by counsel for the petitioners, submits that he has perused the same and confirms that both the eye-witnesses have turned hostile. He further concedes that the knife allegedly recovered from co-accused Mohd. Ayaz was never sent to the Forensic Science Laboratory for examination.

5. Since the material witnesses have already been examined and have not supported the prosecution case, and the alleged knife was not sent for forensic examination, the burden on the prosecution to establish the charges beyond reasonable doubt becomes considerably



heavier. Furthermore, the petitioners are not involved in any other criminal case and have been in custody since 15.12.2023. In these circumstances, the petitioners pray for the grant of regular bail.

6. On the other hand, learned State counsel opposes the prayer for bail, submitting that the allegations are serious in nature, involving an offence punishable under Section 302 IPC. It is further argued that merely because the eye-witnesses have turned hostile at this stage does not absolve the petitioners, as the trial is still ongoing and other material evidence may surface, therefore, prays for dismissal of the present petitions.

7. Heard learned counsel for the parties and perused the record. It is not disputed that both eye-witnesses have been examined and have not supported the prosecution case, having been declared hostile. It is also admitted that the knife allegedly recovered was not sent for forensic examination. Furthermore, the petitioners have been in custody since 15.12.2023 and are not involved in any other criminal case.

This Court is also of the considered view that the petitioners deserve an opportunity to rehabilitate and reintegrate into society. Therefore, without making any comments on the merits or the quality of the evidence collected by the prosecution, and primarily considering the prolonged incarceration, the lack of corroborative material evidence, and the fact that the material witnesses have not supported the prosecution case, this Court is of the opinion that the personal liberty of the petitioners cannot be curtailed for an indefinite period.



**CRM-M-16482-2025 and
CRM-M-64743-2024**

4

8. Considering the aspects and circumstances, prayer made in the present petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. It is further made clear that if in future petitioners are found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petitions stand disposed of.

12. Pending application(s), if any, shall stands disposed of accordingly.

13. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

26.05.2025

Rashmi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No