



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

238

CRM-M-16468-2025 (O&M)
Date of Decision:01.04.2025

Rijwan @ Rijwan Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Panwar, Advocate for the petitioner.

Mr. Ashok Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.0328 dated 04.11.2022, registered under Sections 120-B, 285, 307, 323, 325, 506, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959, at Police Station Nagina, District Nuh.

2. Allegations are that petitioner alongwith co-accused formed an unlawful assembly and in furtherance of their common object fired upon complainant party and caused several injuries to them.

3. Learned State counsel has produced custody certificate dated 31.03.2025, which is taken on record. Registry to tag the same at appropriate place.



4. Contends that petitioner was not even present on the spot at the time of alleged occurrence. Also contends that it is a “no injury case”. Lastly contends that petitioner is in custody since 05.02.2024; report under Section 173 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') was presented on 24.06.2024; charges were framed on 04.03.2025 and out of 34 prosecution witnesses, none has been examined till date, thus, trial is likely to take long time.

5. Above factual position is duly acknowledged by learned State counsel, but opposed the prayer of petitioner.

6. Heard both sides and perused the paper-book.

7. Since, it is a “no injury case”; petitioner is in custody since 05.02.2024; report under Section 173 Cr.P.C. was presented on 24.06.2024; charges have been framed on 04.03.2025; but out of total 34 prosecution witnesses, none has been examined till date, thus, trial would take sufficient long time. Hence, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case, in any manner.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

01.04.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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