



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

213

CRM-M-20294-2025

Date of decision: April 25th, 2025

Hafiz @ Kalwa

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anas Ahmed, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.203 dated 30.12.2024 under Sections 109(1), 191(3), 190, 333, 351(3), 115(2), 117(2) of the BNS, 2023 and Section 25 of The Arms Act, 1959, registered at Police Station Bichhore, District Nuh.

2. Learned counsel for the petitioner submits that a perusal of the FIR in question, which has been reproduced in the body of the petition, clearly reveals that although the petitioner has been named therein, no specific injury has been attributed to him on the person of the complainant or the other three injured persons; the only role, although totally false, attributed to the petitioner is of having thrown stones at Sherjan. Learned counsel submits that since investigation is complete and challan stands presented, further incarceration of the petitioner, who has no previous criminal antecedents, would serve no useful purpose as charges are yet to be framed, coupled with the fact

that as many as 27 prosecution witnesses have been cited, therefore, the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that the petitioner has been in custody since 03.02.2025, challan stands presented and none of the 27 prosecution witnesses have been examined so far. However, learned State counsel has reiterated the allegations levelled in the FIR in question and submitted that the petitioner was named therein and he had actively participated along with the other co-accused in attacking the complainant party with whom they already had strained relations. On further instructions, learned State counsel, however, has not been able to contest that no specific injury has been attributed to the petitioner much less injury inviting the mischief of Section 109 of the BNS.

4. On a further query put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions, has replied in the negative.

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

6. The possibility of the trial concluding in the near future does not arise as charges are likely to be framed only on the next date of hearing. As many as 27 prosecution witnesses have been cited. Concededly, the petitioner has no previous criminal antecedents and the only role as per the FIR attributed to him is of pelting stones towards Sherjan.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to

the satisfaction of the trial Court/Duty Magistrate concerned. 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.

8. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 25th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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