



CRM-M-29142-2025

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

CRM-M-29142-2025

Date of Decision: 05.12.2025

Tarif

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Saifuddin Shams, Advocate and
Mr. Shabnam Shams, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana and
Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.210 dated 17.06.2018 under Sections 148, 149, 307, 323, 341, 506 IPC and Section 25 of Arms Act, registered at Police Station Sadar Tauru, District Nuh.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Chakariya son of Bhobal. It was alleged that accused Tarif (petitioner) and others had grudge against him. On the earlier occasion also, they had attacked their family. On 16.06.2018 at about 11:00 a.m., his family members were returning home after offering 'namaz'. However, the accused, duly armed were already waiting for them. They surrounded his grandson Anish and started beating him. When the family members came to know about the same, they reached the spot and saw the accused persons armed with guns in their hands. They opened attacked on them. Women from the accused side also started pelting stone on their house. Thereafter, the police arrived at the crime scene. The injured were shifted to hospital and their statements were recorded. Out of all the



injured persons, Imran and Shahnawaj succumbed to the injuries on 23.06.2018 and 26.06.2018, respectively. Thus, request was made to take legal action against the accused. The FIR was registered and the investigation commenced. Postmortem of Imran and Shahnawaj was conducted. The petitioner was arrested on 08.09.2018. The petitioner approached the Court of learned Additional Sessions Judge, Nuh praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 06.08.2024. Earlier also, the petitioner approached this Court by way of filing CRM-M-49557-2022, which was dismissed vide order dated 18.04.2024 and thereafter, filed CRM-M-49332-2024, however, the same was also allowed to be dismissed as withdrawn with a direction to the trial Court to expedite the trial Court, vide order dated 11.12.2024. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been roped in the present case on the basis of exaggerated allegations. It is submitted that the allegations against the petitioner of firing on the complainant side is belied from the very fact that father of deceased Imran had been examined before the trial as PW-9, but he has not supported the case of the prosecution. The complainant i.e. the author of the FIR, who has also been produced as eye witness before the trial Court, did not support the case of the prosecution. He submits that out of the total cited witnesses, there are 40 eye witnesses and so far 09 material witnesses have not supported the case of the prosecution as they turned



hostile. He vehemently contends that the petitioner is admittedly behind the bars since the date of his arrest and as on date he has completed an incarceration of more than seven years, but till the prosecution has not been able to examine even half of the witnesses. He submits that *dehors* the allegations made against the petitioner, he has a right of speedy trial, which is miserably defeated. He, thus, submits that petitioner, deserves to be granted bail primarily on the ground of his long incarceration.

4. Status report by way of affidavit of Abhimanyu, HPS, Deputy Superintendent of Police, Tauru filed in Court is taken on record.

Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is one of the main accused. He submits that there are two deceased in this case and 18 injured and the petitioner had played an active role in the commission of offence. On instructions from ASI Raj Kapoor, he has submitted that out of total 58 prosecution witnesses, 12 witnesses have been examined, however, he admits that out of these 12 witnesses, 09 witnesses have been declared hostile. He submits that even if the witnesses have been turned hostile, however, their whole testimonies cannot be discarded. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on 08.09.2018. Though there are two deceased in this case, however, as submitted before this Court till date only 12 witnesses have been examined and out of these 12 witnesses, 09 witnesses have not supported the case of the prosecution. Perusal of the custody certificate would show that the



petitioner has suffered incarceration of 07 years, 02 months & 24 days as on 04.12.2025. It further shows that the petitioner is involved in five other cases, out of which in three cases, he has been acquitted and in two cases, he is on bail. There is no gainsaying that every accused has the fundamental right of speedy trial. Till date, prosecution has examined only 12 witnesses, whereas, custody of the petitioner is more than seven years.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will

take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No