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

CRM-M-34669-2025

Date of Decision: 14.11.2025

Arshad @ Arsad Khan @ Sadda

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms.Aiman Jamal Chisthi, Advocate for
Mr. Anas Ahmad, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Afjal Hussain, Advocate, for the complainant.

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.203 dated 30.12.2024 under Sections 109(1), 191(3), 190, 333, 351(3), 115(2), 117(2) of BNS, 2023 and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Bichhore, District Nuh.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Yunus. As evident from the allegations made in the FIR, the complainant and accused side were already inimical to each other and there were litigation going on between them. On 28.12.2024 at about 05:00-05:30 p.m., the present occurrence as alleged took place in which accused Ikram, Irshad, Salman etc. came armed with sticks, rods and guns etc. All of them attacked the complainant side. Jalauddin fired from gun, which hit the right hand of Irshad and thereafter, Sappan also fired from his pistol. Then Khussi son of Nijra fired a bullet shot. In this occurrence Arshad @ Sadda (petitioner) gave an iron rod blow on the arm of the complainant. On raising alarm, all



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the accused escaped from the place of occurrence alongwith their respective weapons. Thus, request was made to take legal action. On registration of the FIR, the investigation commenced. The injured were medico legally examined. The petitioner was arrested on 03.02.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Vacation Judge/Sessions Judge, Nuh praying for the grant of bail, however after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 18.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that there was rivalry between both the sides and hence, the complainant falsely implicated the petitioner in the present case only being the friend of rival party. It is submitted that the injured himself is a person of criminal background, who is facing prosecution in 3-4 cases. She submits that even otherwise the petitioner is alleged to have given iron rod blow on the arm of the injured i.e. the non-vital part of the body and thus, offence under Section 307 IPC (Section 109 BNS, 2023) is not made out against the petitioner. To buttress her arguments, she submits that the petitioner has no criminal antecedents, as he has never been involved in any other case. She submits that the petitioner is behind the bars since the date of his arrest, however, the complainant is not appearing before the trial Court as he is required in 3-4 cases registered against him. She, thus, submits that



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in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has been specifically named in the FIR, who was armed with iron rod and blow of the same was given to the injured.

5. Learned State counsel has also vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the injuries attributed to the petitioner were declared to be grievous. On instructions, he has submitted that out of total 28 prosecution witnesses, no witness has been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was alleged to have given an iron rod blow on the arm of the injured. He was arrested on 03.02.2025. Fire arm injuries have been attributed to the co-accused. It is no disputed before this Court that the injured himself is involved in 3-4 cases and to avoid his arrest, he is absconding and thus, he could not be examined before the trial Court so far. The custody certificate would show that the petitioner has suffered incarceration of 09 months & 10 days as on 13.11.2025. It further shows that the petitioner has no criminal antecedents.

7. 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.

8. 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.

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

14.11.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No