



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

232

CRM-M-35269-2025

Date of decision: 11.07.2025

Mohd. Kayyum @ Kaayam

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

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

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Afjal Hussain, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.203 dated 30.12.2024 under Sections 109(1), 191(3), 190, 333, 351(3), 115(2), 117(2) of the Bharatiya Nyaya Sanhita, 2023, Section 25-54-59 of the Arms Act, 1959, registered at Police Station Bichhore, District Nuh.

2. Learned counsel for the petitioner submits that a totally false and exaggerated version has been brought forth in the FIR in question. Although the petitioner has been named therein, the only role attributed to him as per the allegations levelled in the FIR, which stands reproduced in the body of the petition, is of having hit the right knee of Sherjang with a stone. It has been submitted that investigation in the



CRM-M-35269-2025

present case is complete and challan stands presented qua the petitioner; the charges are yet to be framed, hence, the possibility of the trial concluding in the near future does not arise moreso when as many as 27 prosecution witnesses have been cited.

3. On a pointed query, learned counsel for the petitioner submits that the petitioner is identically placed as co-accused Hafiz @ Kalwa, who has since been extended the concession of bail by this Court vide order dated 25.04.2025 (Annexure P-1) and hence, the petitioner also deserves the similar relief.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that not only is the petitioner named in the FIR in question, during investigation it surfaced that the petitioner was armed with a cudgel with which he inflicted injuries upon the person of Salman and Irshad; one of the injuries upon injured Salman is opined to be grievous in nature.

5. On a pointed query put to the learned State counsel as well as learned counsel for the complainant with respect to any such allegation made in the FIR, which is reproduced in the body of the petition, they have not been able to bring to the notice of this Court any specific allegation against the petitioner of inflicting injuries with a cudgel on Salman and Irshad, including the alleged grievous injury to Salman.

6. On a pointed query put to the learned State counsel as to



CRM-M-35269-2025

whether the petitioner has any previous criminal antecedents and whether his case is at par with co-accused Hafiz @ Kalwa, who has been extended the concession of bail, he, on instructions, has replied in the affirmative.

7. However, learned counsel for the complainant has submitted that after the co-accused were granted the concession of bail they had threatened the complainant party as a result of which an FIR bearing No.61 dated 29.04.2025 stood registered against them.

8. Learned State counsel, however, has feigned ignorance about the registration of FIR No.61 dated 29.04.2025.

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

10. The petitioner has been in custody since 03.02.2025. As per the allegations levelled in the FIR, the petitioner has only been attributed an injury on the right knee of injured with a stone; in the Court today although learned State counsel as well as learned counsel for the complainant have submitted to the contrary and asserted that the injuries attributed to the petitioner are with a cudgel including a grievous injury on injured Salman. No doubt, learned counsel for the complainant has submitted that the co-accused have apparently misused the concession of bail as they have yet again been involved in another altercation with the complainant party, that alone cannot be a ground to deny the concession of bail to the petitioner moreso when challan stands presented against him coupled with the role and injury attributed to him in the FIR in question.



CRM-M-35269-2025

11. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

12. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. The Court concerned shall be at liberty to impose any stringent/additional conditions upon the petitioner as may be deemed necessary to ensure that the petitioner does not misuse the concession of bail granted under this order and cooperates fully with the proceedings.

13. 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.

14. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**11.07.2025**

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**(MANJARI NEHRU KAUL)**  
**JUDGE**

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