

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

2025:PHHC:101223



103

CRM-M-41185-2025
Date of decision:01.08.2025

Mubarik & another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Afjal Hussain, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

Mr. Anas Ahmed, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioners in case arising out of FIR No.66, dated 06.05.2025, under Sections 190, 191(3), 115(2), 351(3), 109 of the BNS and Section 25 of the Arms, registered at Police Station Bicchor, District Nuh.

2. As per the allegations, on 04.05.2025, the petitioner along with co-accused had opened an assault and had caused injuries to Khursheed and Rafiq, who are family members of the complainant-Shokat. A case bearing FIR No.65 was registered at the Police station on 06.05.2025 itself on the complaint of Sarfaraj son of the complainant. The complainant alleged that at about 12:30 pm, he along with his son Sarfaraj

and one Nizam was sitting in his house when the petitioners and other co-accused reached there. They were armed with firearms and other weapons and opened an attack upon his sons with an intention to kill them. They were also brandishing firearms and proclaimed that they will kill the members of the complainant party. The injured were rushed to the hospital. On the statement of the complainant, the aforementioned FIR was registered. Investigation proceedings were initiated and are underway. Apprehending their arrest, the petitioners moved application for pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Nuh vide order dated 18.07.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. No specific overt act has been attributed to them. The provisions of Section 109 of BNS are not at all attracted against them. Infact relatives of the complainant had committed offence of kidnapping in the past and a case bearing FIR No.284 of 1991 was registered against them and they were held guilty and convicted. The convicts of that case were released from jail on 27.12.2024 and one of them had posted an objectionable post on facebook. Thereafter an altercation had taken place between the family members of the petitioners and those convicts and a case was registered on 30.12.2024. He has submitted that members of the complainant party had moved application for grant of bail which was dismissed. The present FIR was a counter-blast to the action initiated by the members of the party of the petitioners. They are ready to join the investigation. Their custodial interrogation is

not required No recovery is to be effected from them. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Apoorv Garg, learned Additional Advocate General, Haryana has advance notice of the petition and is ready to argue. At this stage, memo of appearance on behalf of the complainant has been filed. Learned State counsel assisted by learned counsel for the complainant has argued that there are grave allegations against the petitioners, who by forming membership of an unlawful assembly with the co-accused had assaulted sons of the complainant and had caused serious injuries to them and one of such injuries has been declared to be dangerous to life. The petitioners have criminal antecedents. For conducting thorough investigation in the matter, their custodial interrogation is must. No extraordinary circumstance for grant of pre-arrest bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, serious injuries were caused to the sons of the complainant. One of such injuries has been opined to be dangerous to life. The petitioners were named in the FIR. For conducting proper investigation, their custodial interrogation is required. Even otherwise, the well settled proposition is that the power for grant of bail are to be

exercised in extraordinary and exceptional circumstances but no such circumstance has been made out in this case. As such, finding no plausible ground for allowing the petition, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.08.2025

harjeet

(MANISHA BATRA)
JUDGE

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