



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

CRM-M-44412-2025

Date of Decision:-28.08.2025

Mohammad Aqib.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Mohd. Yousaf, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Gurnoor S. Sandhu, Advocate for the complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case FIR No.111 dated 02.10.2023 under Section 302, 307, 458, 323, 506, 148, 149 IPC registered at Police Station City-2, Malerkotla, District Malerkotla.

2. The present FIR came to be registered at the instant of Shehnaz wife of Shaukat Ali and reads as under:-

“ Statement of Shehnaz wife of Shaukat Ali alias Soki resident of Nawaz Colony Malerkotla aged about 40 years phone number 79865-72314. Stated that I am a resident of the above address and do domestic work. On dated 1-10-2023 Mohammad Asif, Akib, Abbu Bakr, sons of Kaish resident of Nawaz Colony Malerkotla, Nadeem son of Mohammad Aslam resident of 786 Chowk Malerkotla and 2 other unknown persons had flying kites and were playing music and at around



7-00 PM at night the above persons came to the roof of our house and started making a ruckus and started abuses loudly, then I and my husband Shaukat Ali went to the roof to make them understand, then the above Mohammad Asif gave a kirpan blow on the head of my husband Shaukat Ali alias Soki. When I came forward to save him, then the above said Aqib gave dang blow on my head and I fell down on one side. Then the above said persons threw my husband and gave beatings to him with sticks and dang and dragged him after catching him from his arms and legs and threw him on the net fitted on the roof of Moulvi Saddam. Due to breaking of the net, my husband Shaukat Ali alias Soki fell down on the floor, due to which Shaukat Ali alias Soki suffered many more injuries. When I started raising noise of Marta Marta, then the above said persons ran away from the spot by giving threats to kill and they were saying loudly that today he has escaped and next time teach him a lesson properly. The reason for the fight is that Muhammad Asif, Aqib, Abbu Bakr, Nadeem and 2 other unknown persons were making ruckus after coming on our house, and harassing us. When we restrained them from doing so then the above mentioned persons beaten us. As condition of mine and my husband's was bad, my brother-in-law namely, Muhammad Liaqat son of Ghulam Rasool got us admitted in the Civil Hospital Malerkotla after arraigning a vehicle, from where I and my husband Shaukat Ali alias Soki were referred to Rajindra Hospital Patiala after giving first aid. We are undergoing treatment at Rajindra Hospital Patiala. During the treatment, I have got my statement recorded to you. Legal action should be taken against the above persons. I have read the statement and it is correct. Sd/-Sehnaz."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact on the date and time of the occurrence, he was at a distance of 25 Kms from the place of occurrence. There is an inordinate delay in the registration of the FIR which goes to show that the same has been registered after deliberation and confabulations. Taking the allegations to be correct, the petitioner has not



caused any injury to the deceased but only a simply injury to the complainant. As he is in custody since 11.10.2023 but only 02 of the 26 Pws have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned State counsel as well as counsel for the complainant on the other hand contend that the allegations levelled against the petitioner do not entitle him to the concession of bail. They however concedes that the petitioner is in custody since 11.10.2023 and that only 02 of the 26 Pws have been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has not been attributed any injury on the person of the deceased but has been attributed a simple injury on the person of the complainant. His culpability for the offence under Section 302 read with Section 149 IPC shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 11.10.2023 but only 02 of the 26 of the prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Hence his further incarceration is not required..

10. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Mohammad Aqib** son of Sh. Mohammad Kais is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the



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petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>