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

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Date of Decision: 13.11.2025

Wajid

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanyam Khetarpal, Advocate and
Ms. Kajal Chauhan, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.87 dated 13.03.2024 registered under Sections 148, 149, 323, 324, 395 and 506 of the Indian Penal Code (Section 326 of IPC added later on), at Police Station City Sadar Nuh, District Nuh.
2. Brief facts of the present case are that as per the prosecution, the petitioner along with other co-accused (family members of the petitioner) attacked the complainant as well as his family members and caused injuries to them.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged offence. He submits that no specific role has been attributed to the petitioner. He argues that it is a case of version and cross-version and in the same scuffle, the family members of the petitioner also suffered injuries and the complainant party was the aggressor. He further argues that in fact,

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the petitioner and other co-accused are the victims who sustained injuries at the hands of the complainant and his family members, regarding which a complaint dated 09.03.2024 was given to the police by the petitioner, but no action was taken. Later, the petitioner also submitted a representation dated 14.03.2024 to the Superintendent of Police, Nuh (Annexure P-2) in this regard but again in vain, showing clear involvement of the police officials in not lodging the FIR against the complainant and his family members. Aggrieved by the same, the petitioner and other co-accused approached the learned Judicial Magistrate Ist Class, Nuh by way of filing an application under Section 156(3) Cr.P.C., whereupon learned Magistrate directed the officials concerned to register an FIR against the complainant along with 13 other accused persons. Accordingly, FIR No.141 dated 15.04.2024 under Sections 147/148/323/506 IPC was registered against the complainant along with 13 other accused persons. He further submits that if contents of FIR are taken to be true, even then the injury attributed to the petitioner is on the non-vital part i.e. on the hand of Akbar (father of complainant). Further, co-accused Farjana, Memuna, Tohid and Imran, who were on similar footing with the petitioner, have already been granted the concession of anticipatory by a Co-ordinate Bench of this Court, vide orders dated 11.07.2024 and 24.07.2024, respectively. No recovery is to be effected from the petitioner. The petitioner is in custody since 16.07.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 07 prosecution witnesses, however, none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind



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bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argues that it is the petitioner who caused injuries with the sharp-edged weapon, which has been declared grievous in nature. She further submits that the petitioner is involved in one more case meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for the last 04 months; investigation is complete; challan stands presented; charges framed; prosecution witnesses are yet to be examined, the injury attributed to the petitioner is on the non-vital part i.e. hand of father of complainant, the veracity of the allegations is to be examined by the trial Court, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an*



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exception”.

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

13.11.2025

D.Bansal

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