



CRM-M-56127-2025

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**111+267 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-56127-2025**

Date of Decision: 08.12.2025

Yunus @ Kala

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana and  
Ms. Diya Sodhi, Sr. DAG, Haryana.**Rajesh Bhardwaj, J. (ORAL)**CRM-42109-2025

Allowed as prayed for. Annexure A-1 is taken on record.

Main case

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.538 dated 24.10.2019 under Sections 323, 452, 302 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Tauru, District Nuh.
2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Sirajudin. It was alleged that on 24.10.2019, at about 10:30 a.m., Abdul Gani was trying to dig up the pipeline laid down by the Government for water supply. Father of the complainant, Babudin objected to the same and on account of the same, there arose a dispute. Abdul Gani called his family members, namely, Wasim @ Bolar, Yunus @ Kala (petitioner), Mukeem @ Mukki and his wife Aimna etc. They all were duly armed. In the meantime, Abdul Gani was armed with a gun and fired at his brother Anish. Yunus @ Kala (petitioner) also fired at Anish. Mukeem @ Mukki gave an iron rod blow on



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the hand of his father and rest of the accused also caused injuries to the complainant side. On raising alarm, all the accused escaped. However, his brother Anish succumbed to the injuries on the spot itself due to the fire arm injuries received. Thus, request was made to take legal action. On the registration of the FIR, the investigation commenced. Postmortem of the dead body was conducted. The petitioner was arrested on 22.07.2020. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Nuh praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.03.2025. Earlier also, the petitioner approached this Court twice by way of filing CRM-M-19520-2021 and CRM-M-51527-2022, however, the same were dismissed as withdrawn vide orders dated 16.08.2021 and 20.01.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. Learned counsel for the petitioner has submitted that whole family of the petitioner has been roped in the present case in a due deliberated manner. He submits that the allegation of firing was primarily against the co-accused Abdul Gani. He submits that though the allegation made against the petitioner is also regarding firing, but that has been belied from the very fact that during investigation, a stick had been shown to have been recovered from the petitioner. It is submitted that only one fire arm weapon has been used in the occurrence, but the allegations have been exaggerated only to rope in the petitioner and his other family members. It is



submitted that the ocular version of the prosecution is also not medically corroborated. He submits that the petitioner is behind the bars from the last more than five years, however, the prosecution has not been able to conclude the trial and thus, right of speedy trial of the petitioner is miserably defeated. He submits that the petitioner has no criminal antecedents and thus, false implication of the petitioner is writ large. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has filed the status report by way of affidavit of Abhimanyu, HPS, Deputy Superintendent of Police, Tauru, which is taken on record. She has submitted that the petitioner duly participated in the commission of offence. However, she submits that though there was allegation against the petitioner regarding fire arm injury, however, during the investigation, a stick is recovered from him. On instructions, she has submitted that out of total 25 prosecution witnesses, 13 witnesses have been examined. She has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place on 24.10.2019. During the investigation, a stick had been said to have been recovered from the petitioner. A perusal of the postmortem report would show that the deceased suffered four injuries and all these injuries were fire arm injuries. It was also contended before this Court that only one fire arm weapon was used in the occurrence. The Court cannot ignore the custody of



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the petitioner, which as per his custody certificate is 05 years, 04 months & 11 days as on 05.12.2025. It further shows that the petitioner was prosecuted in one more FIR, however, he has been acquitted in the same. Out of total 25 prosecution witnesses, 13 witnesses have been examined.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. 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.

9. 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.

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

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|------------|-----------------------------|-------------------|
|            |                             | (RAJESH BHARDWAJ) |
|            |                             | JUDGE             |
| 08.12.2025 |                             |                   |
| sharmila   | Whether Speaking/Reasoned : | Yes/No            |
|            | Whether Reportable :        | Yes/No            |