

2025:PHHC:086144



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

221

CRM-M-62351-2024

Date of decision: July 16, 2025

SUBIN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

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

Present: Mr. Saksham Khunger, Advocate  
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

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

1. The instant petition is the second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.424 dated 17.10.2023 under Sections 186, 332, 353, 307, 34 of Indian Penal Code, 1860 and Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 25 of Arms Act, 1959, registered at Police Station Sadar Tauru, District Nuh (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 17.10.2023, however, till date, the charges have not been framed. Hence, on this ground alone, learned counsel for the petitioner prays for extending the concession of bail to the petitioner as the possibility of the trial concluding in the near future does not arise, moreso when as many as 19 prosecution witnesses have been cited. It has also been submitted by the learned counsel that as per the allegations levelled by the prosecution, the petitioner was indulging in slaughtering of



cows; when the police party raided the place *qua* which the secret information had been received, the petitioner tried to flee away from the spot along with the co-accused and fired back from a country-made pistol towards the police party. Learned counsel has submitted that not even a single injury was sustained by the police party in the occurrence in question, rather it was the petitioner, who sustained two fire shots on his knees.

3. It has also been submitted by the learned counsel for the petitioner that one of the co-accused, who was alleged to be present when the police party raided the hilltop, where the cow slaughtering was to take place, has already been extended the concession of anticipatory bail by this Court vide order dated 24.02.2025. Learned counsel has also placed on record the *zimni* orders w.e.f. 12.12.2023 onwards, which clearly reveal that except on one date of hearing, when an adjournment had been sought by the petitioner's counsel before the learned trial Court, on all other dates, the hearing had been adjourned for reasons not attributable to him.

4. Learned State counsel has filed the custody certificate of the applicant in the Court today, which is taken on record subject to all just exceptions.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the fact that till date, charges have not been framed even though challan was presented on 12.12.2023. It has also not been

**CRM-M-62351-2024****-3-**

disputed that as many as 19 prosecution witnesses have been cited. On further instructions, learned State counsel has not disputed that none from the police party sustained any firearm injury at the hands of the petitioner, however, learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder: -

*“To, The Station House Officer Sadar Tauru Jai Hind. Today I SI alongwith fellow officials ASI Rajesh 54/Nuh, Constable Mohan 538 Nuh, Constable Mausam 595 Nuh, Constable Manish 1519/GGM, SPO Almuddin, Constable Praveen 3/777 was present under the Dhulawat bridge K.M.P. in connection with crime prevention in official vehicle No. HR-03T-3494 driven by CT Deepak No. 722/Nuh, when the secret informer informed by meeting that Subin Khan s/o Aamin Khan r/o Kaliyaki and Wahid s/o Aalam @ Allam r/o Patuka both together are engaged in the business of cow slaughtering and are also possessing illegal weapons with them. Today also, they have purchased a cow from somewhere, and are planning to do cow slaughtering in the hill of Dhulawat. If a raid is conducted, they can be caught red handed. That on finding the information credible, the fellow officials were informed of the information and the passer byes were asked to join in the raiding party. That all the persons have left from the spot helling their licit compulsion without stating their names and addresses. I SI alongwith fellow officials by taking the informer with us, raided the place informed by the informer and we saw that a person was seen with a weapon in his hand, who make a noise after seeing the police party that Wahid the police has come and he directly fired towards us with an intention to kill from the weapon he had in his hand. That the fire has passed near his left temple of I SI (Kanpati). I SI fired in the air and gave the accused a warning to surrender by shouting loudly on them. The person armed with a weapon again fired directly towards the police party with an intention to kill. I SI saved myself by bending downwards. That in the meantime, second person Wahid thrown a knife towards us, which hit the waist of Constable Praveen 3/777. I SI, in the self-defence of myself and fellow officials, fired a shot towards the foot of a boy armed*



*with a weapon, which hit the accused in his right foot. That the accused person still did not desist from firing and he again started loading his weapon. I SI, in the self-defence of myself and fellow officials, again fired a shot towards the foot of a boy armed with a weapon, which hit the accused in his left foot, due to which, the person got injured and fell down there only and, in the meantime, the second person took the advantage of the opportunity and ran away from the hill. The injured person was asked his name and address, who stated his name Subin Khan s/o Aamin Khan r/o Kaliyaki P.S. Sadar Tauru District Nuh and the apprehended accused Subin was asked about the name and address of the absconding person, then he stated the second person as Wahid s/o Aalam @ Allam r/o Patuka P.S. Sadar Tauru District Nuh. Seeing the flowing blood of the accused Subin and while accepting the humanitarian approach, the accused Subin was sent with ASI Rajesh 54/Nuh and injured Constable Praveen and SPO Almuddin to the nearby Hospital Nalhad in the official vehicle. When we saw at the spot, two cows, one cow is tied with a tree and the other cow, whose all four foots were tied and was lying on the land and they are doing preparation to slaughter the cows. That nearby, 2 axes and 3 knives and 1 weighing scale of iron and 4 weights (measuring 5 kgs, 2 kgs, 1 kg and 500 grams) and 5 ropes and the weapon of injured accused Subin and empty cartridges were found lying at the spot. Subin and Wahid aforementioned in connivance with each other, while keeping in their possession the cows and preparing for cow slaughtering and fired directly upon the police party with an intention to kill, have committed an offence under Section 186, 332, 353, 307, 34 IPC 5/13 (2) HGS GS ACT 25-54-59 Arms Act. Upon which, a writing has been written and is being sent to the Police Station Sadar Tauru through Constable Deepak 722/Nuh for registration of FIR. After the registration of the FIR its number be intimated and the special reports of the case be sent to the higher officers through special messenger. The control room Nuh was informed telephonically to inform the higher officers about the incident and to reach the place of occurrence. Scene of crime team be sent to the spot. I am the complainant in the FIR, another investigating officer be sent to the spot. I and fellow officials are busy at the spot. Today - In the hill of village Dhulawat SD*



*– Mahender Singh SI Crime Branch Tauru Dated 17-10-2023 AT 4:10 PM. Today in the Police Station:- On receipt of the aforementioned writing in the Police Station through Constable Deepak 722/Nuh, FIR No. - 424 dated 17.10.2023 under Sections 186, 323, 353, 307, 34 IPC, 5/13 (2) HGS GS ACT and 25-54-59 Arms Act was registered at P.S. Sadar Tauru. After preparing the carbon copies of the FIR through computer on CCTNS, the special reports of the FIR are being sent by hand through special messenger Constable Satish Kumar 562/Nuh to the Ilqa Magistrate and Higher officers. By carrying the original writing alongwith copy of Police file, 1 SI alongwith incoming Constable has proceeded to the place of occurrence for further investigation.”*

6. Learned State counsel has further submitted that the petitioner also tried to flee away from the spot along with the co-accused, however, his attempt to flee was unsuccessful as the police party fired towards him, as a result of which, he sustained firearm injuries.

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

8. The petitioner has been in custody since 17.10.2023. The trial is unlikely to conclude in the near future as 19 witnesses have been cited by the prosecution. In addition, one of the co-accused has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court.

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

10. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, while admitting the



petitioner to bail, learned trial Court/Duty Magistrate concerned may put him to any stringent conditions as it deems fit, so as to ensure the presence of the petitioner during the trial.

11. 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.

12. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

July 16, 2025  
Jaspreet Kaur

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No