



CRM-M-61620-2025

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

221

CRM-M-61620-2025 (O & M)

Date of decision: 10.11.2025

ARSHAD

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rohtash Kumar, Advocate,
for the petitioner. (through hybrid mode)

Mr. Rakesh Kumar Jangra, AAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.209 dated 06.06.2020, registered at Police Station Pundri, District Kaithal, under Sections 332, 353, 427, 307, 483 and 34 IPC.

2. Learned counsel contends that the petitioner has been in custody for about 4 months, having been produced through production warrant on 14.07.2025. He was not named in the FIR, however, it is on the disclosure statement of co-accused, Sahjan @ Fajjan, that his name surfaced, who has since been granted bail by this Court on 18.02.2021, Annexure P-3. There is no specific allegation against him, but for having common intention alongwith co-accused. Challan was presented on

CRM-M-61620-2025

24.07.2025, charges have not been framed yet and there are, in all, 13 PWs. In the cases that have been registered against him besides the present, he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 08.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 3 month and 23 days.

4. Learned State counsel opposes the bail on the ground that the petitioner has been specifically named by the co-accused of having attacked the PCR, alongwith his accomplices. However, he is unable to controvert the submissions with regard to stage of the case; the petitioner being on bail in other case and the co-accused having been released on bail.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several

CRM-M-61620-2025

criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 23 days; on bail in other cases; co-accused on bail; challan stands presented on 24.07.2025, charges are yet to be framed, there are total of 13 PWs; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial

CRM-M-61620-2025

Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

10.11.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No