



CRM-M-68132-2025

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

**CRM-M-68132-2025
Date of decision: 09.12.2025**

ALLAUDEEN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana and
Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Sunil Sihag, Advocate (through video conferencing)
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.443, dated 16.07.2024, under Sections 103(1), 3(5) and 351(2) of BNS, 2023 and later on added Section 238 of BNS, 2023, registered at Police Station Mujesar, District Faridabad.

2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Saluddin. It was alleged that on 15.07.2024 at about 06:00 PM, he was present in his house, in the meantime Jakir, Sahnawaj, Alauddin (present petitioner), Kamalhassan came to his house and they suddenly opened attacked on him and his son Sultan (deceased). He saw that Alauddin (present petitioner) caught hold his son from behind. Kamalhassan provided knives to Jakir and Sahnawaj and exhorted that his son should not be spared. On this, Jakir and Sahnawaj gave 3-4 knife blows to Sultan

(deceased). On his raising alarm, they all escaped from the place of occurrence

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by threatening them. He shifted his son-Sultan to New Care Hospital for treatment. However, in the night at about 11:00 PM, he succumbed to the injuries. The request was made to take legal action against the accused persons. FIR got registered and investigation commenced. The petitioner was arrested on 31.07.2024. Postmortem of the dead body was conducted. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. He approached the learned Additional Sessions Judge, Faridabad for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Faridabad declined the bail application vide order dated 09.01.2025. The petitioner has earlier approached this Court by way of filing CRM-M-5143-2025 and the same was dismissed as withdrawn vide order dated 19.05.2025. Thus, the petitioner is before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner and whole family has been falsely implicated in the present case. He submits that the FIR though has been lodged on the statement of the eye-witness, who has alleged that Kamalhassan had provided knives to the main accused, namely, Jakir and Sahnawaj but during investigation, both of them have been declared innocent by the Investigating Agencies. He further submits that the petitioner is of 56 years and has been attributed only the role of holding the deceased from behind. He further submits that in order to implicate the full family, the petitioner has been alleged to have caught hold Sultan (deceased) and his false implication is writlarge. He further submits that the petitioner is behind bars since the date of his arrest and has no criminal antecedents. He further submits that there is no material progress in the trial. Thus, in the facts and



4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner is the uncle of main accused, namely, Jakir. She submits that in a well planned conspiracy, the petitioner and the co-accused came duly armed and all the four accused had committed the murder of Sultan (deceased). She further submits that the petitioner had caught hold the deceased whereas Jakir and Sahnawaj had given fatal knife blows to the son of complainant. She on instructions, submits that out of total 29 prosecution witnesses, only 01 has been examined so far. The complainant has been examined and he has not supported the case of the prosecution version. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Learned counsel for the complainant has vehemently opposed the contentions raised by the learned counsel for the petitioner.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that petitioner though had been mentioned in the FIR, however, he has been attributed the role of holding the deceased from behind. The fatal blows are attributed to the co-accused, namely, Jakir and Sahnawaj. Out of 29 prosecution witnesses, only 01 has been examined so far. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 04 months and 09 days as on 08.12.2025. It further reflects that the petitioner is not involved in any other case.

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. The trial of the case will take sufficiently long



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9. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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