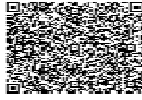


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:024583-DB



Reserved on : 28.01.2026

Pronounced on: 17.02.2026

1. **CRA-D-193-2025**
AadilAppellant
versus
State of HaryanaRespondent
2. **CRA-D-120-2025**
Faiyaz AliAppellant
versus
State of HaryanaRespondent
3. **CRA-D-136-2025**
Mohammad InamAppellant
versus
State of HaryanaRespondent
4. **CRA-D-1033-2025**
Jakar alias JakirAppellant
versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI, JUDGE

Present: Mr. Sarfraj Hussain, Advocate and
Mr. Vikas Raj Nautiyal, Advocate, for the appellants in
CRA-D-120 of 2025 & CRA-D-136 of 2025.

Mr. Anmol Pratap Singh Mann, Advocate
for the appellant in CRA-D-193 of 2025.

Mr. Gautam Dutt, Senior Advocate with
Mr. Rehan Gupta, Advocate, for the appellant in
CRA-D-1033 of 2025.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

RAMESH KUMARI, J.**CRM No. 4491 of 2025 in CRA-D-193 of 2025**

There is a delay of 25 days in filing the appeal to challenge the order dated 05.12.2024 passed by the Court of learned Additional Sessions Judge, Nuh, vide which the bail application filed by the appellant herein was dismissed.

In view of the reasons mentioned in the application, the delay of 25 days in filing the appeal is condoned. Application stands disposed of.

CRM No. 3004 of 2025 in CRA-D-120 of 2025

There is a delay of 3 days in filing the appeal to challenge the order dated 21.12.2024 passed by the Court of learned Additional Sessions Judge, Nuh, vide which the bail application filed by the appellant herein was dismissed.

In view of the reasons mentioned in the application, the delay of 3 days in filing the appeal is condoned. Application stands disposed of.

Main Appeals

1. The present four appeals are filed by the above named accused-appellants, namely, Aadil, Faiyaz Ali and Mohammad Inam and Jakar @ Jakir, against the impugned orders dated 05.12.2024, 21.12.2024, 09.01.2025 and 09.07.2025, passed by the Court of learned Additional Sessions Judge, Nuh (Haryana) vide which the applications filed by these four accused-appellants for grant of regular bail in a case arising out of FIR No. 401 dated 01.08.2023 under Sections 148, 149, 324, 307, 302 of the Indian Penal Code; 25-54-59 of the Arms Act; and Sections 10, 11, 13(1) a & b, 15(1) a & b and 16 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station City Nuh, were dismissed.
2. The aforementioned FIR No. 401 dated 01.08.2023 was registered at Police Station City Nuh, under Sections 302, 307, 324, 148, 149 of the Indian Penal Code; Section 25-54-59 of the Arms Act on the basis of the complaint moved by

complainant Mahesh wherein he alleged that on 31.07.2023, he and his cousin Abhishek had come to Nuh for attending a religious procession, namely, '*Jalabhishek Brij Mandal Yatra*' where three to four thousand persons had gathered at Shiv Temple in village Nalhar. Since the procession was to start at about 1.00/1.30 P.M., they were kept in the premises of the temple by the Administration. At about 5.30 P.M. about 800-900 persons attacked them and started pelting stones with intention to kill them and at that time he and his cousin were standing there. In the meanwhile, 8 to 10 persons, who were calling each other as Aadil, Arshad, Ajruddin, Sakeel, Juned, Javed, Rahul, Ahmed, Soyab, Langra, Altaf, Aamin and Inam etc. reached there and out of them, accused Juned, Altaf, Aamin and Inam were firing from their weapons and they started firing shots towards them. During firing, one shot hit in the chest of his cousin Abhishek who fell down on the ground. One of the assailants, armed with a sword, inflicted sword blows on the head of Abhishek. The complainant can identify the assailants if produced before him. After sometime, the police reached there and his cousin was shifted to Nalhar Medical College where he was declared dead.

3. Sections 10, 11 and 13(1) a & b, 15(1) a & b and 16 of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAP Act') were added later on in FIR No. 401 dated 01.08.2023 and accused Aadil, Faiyaz Ali, Jakar alias Jakir and Mohammad Imam were arrested in this case.
4. We have heard learned counsel at length and perused the record.
5. Learned counsel for the appellant-accused Aadil submitted that he is a 20 years old Engineering student with clean antecedents and has been falsely implicated in this case for the reason that his name was allegedly over heard by the complainant in crowd. No specific attribution of any overt act is attributed to the

appellant-accused Aadil with regard to the injuries or death of deceased and general allegations have been levelled against 800-900 persons of pelting stones and brickbats apart from specific attribution of firing against few co-accused. Nothing incriminating was recovered from accused Aadil during police remand.

6. It has been further been submitted that deceased Abhishek was not got admitted in the hospital by complainant Mahesh because as per ruqqa sent from Medical College, Nalhar regarding admission of deceased Abhishek, it is stated that unknown person got him admitted in the hospital which belies the version of the complainant that he got admitted Abhishek, his cousin in the hospital. Accused Aadil was arrested on 02.08.2023 and had undergone custody of more than 2 ½ years; charges have not yet been framed against him by the trial Court and that sanction to prosecute him under the UAP Act was obtained only on 03.09.2025.
7. Learned counsel appearing for accused-appellant Faiyaz Ali contended that he is not named in the FIR and has been implicated in this case only on the basis of the alleged disclosure statement of co-accused that carries no evidentiary value. Accused-appellant Faiyaz Ali was not present at the scene of crime at the time of occurrence as tower location of his phone shows that he was at his home and not at the spot. UAP Act was added wrongly after five months of the alleged occurrence on the basis of the supplementary statement of Karan and Mahant Shri Ravindrapuri.
8. Learned counsel for accused-appellant Mohammad Inam contended that as per the allegations levelled in the FIR, accused-appellant along with co-accused Altaf, Amin and Junaid allegedly fired towards the temple premises. Co-accused Altaf and Amin have already been released on regular bail by the trial Court and only Danda was allegedly recovered from the possession of accused-appellant Mohammad Inam. No test identification parade was conducted during

investigation to establish the identity of the accused-appellant in the alleged commission of offence. As per the prosecution version, gun shot injury is attributed to accused Jakir. Learned counsel further contended that UAP Act was added after five months of the alleged occurrence.

9. Learned counsel for the accused-appellant Aadil, Faiyaz Ali and Mohammad Inam also contended that co-accused Ayyaz, who is brother of accused-appellant Faiyaz Ali, has already been released on bail by this Court. Although one more FIR No. 399 of 2023 arising out of the same incident was lodged against the accused-appellant Faizal Ali and Mohammad Inam, but they are on regular bail in the said case. Learned counsel thus prayed for release of accused-appellant on regular bail.
10. Learned counsel for accused-appellant Jakir alias Jakar contended that he has been falsely implicated in this case and that he was not present at the spot as is fully borne out of his mobile phone location. It has been submitted that accused-appellant Jakir is in custody in this case since 06.10.2023 and challan has already been presented. Learned counsel thus prayed for release of accused-appellant on regular bail.
11. Opposing the appeals, the learned State counsel contended that accused-appellant Aadil is specifically named in the FIR. He further contends that accused-appellant Aadil being part of an unlawful assembly, pelted stones which inflicted injuries on the person of Abhishek, since deceased.
12. Regarding accused-appellant Faiyaz Ali, learned State counsel contended that he is named on the basis of disclosure statement of co-accused Mohammad Inam, Junaid, Altaf and Amin. Accused-accused Faiyaz Ali himself in his disclosure statement admitted his presence at the spot.

13. Regarding accused-appellant Mohammad Inam, learned State counsel contended that accused-appellant was not only present at the spot but he had also assaulted the deceased Abhishek. Accused-appellant Mohammad Inam was part of the unlawful assembly which damaged the public and private properties.
14. Regarding accused Jakir alias Jakar, learned State counsel contended that one country made pistol and one used cartridge used by him were recovered from his possession on the basis of his disclosure statement. He is involved in 10 other cases and he stands acquitted in two cases whereas remaining cases are pending trial, details of which are given in the reply submitted by the State of Punjab. Learned State counsel also contended that the country made pistol recovered from the possession of accused-appellant Jakir alias Jakar was sent to Forensic Science Laboratory, Madhuban for examination and that the bullet recovered from the dead body of deceased Abhishek had matched with the weapon used at the time of commission of offence by accused-appellant Jakir alias Jakar and the cause of death of deceased Abhishek was due to fire arm injury.

Learned State counsel thus prayed for dismissal of bail applications of all the four accused-appellants.

15. So far as accused Aadil, Faiyaz Ali and Mohammad Inam are concerned, allegations against them stand on similar footing as in the case of co-accused Ayyaz Ali who has already been granted the benefit of regular bail by a co-ordinate Bench of this Court vide order dated 21.11.2024. Therefore, the case of above named three accused being on parity with the case of Ayyaz Ali who has already been granted the benefit of regular bail, are entitled to same concession of regular bail.

16. So far as the allegations made accused Jakir alias Jakar are concerned, his complicity in the commission of offence in causing death of Abhishek and the same stands prima-facie established because the bullet recovered from the dead body of deceased Abhishek matched with the weapon recovered from the possession of accused-appellant Jakir alias Jakar i.e. country made pistol. In view of embargo of Section 45-D of the Unlawful Activities (Prevention) Act, 1967, accused-appellant Jakir alias Jakar is not entitled for the benefit of regular bail at this stage because his case is distinctively on different footing as compared to allegations against above named three accused-appellants.
17. In view of above discussion, this Court finds no merit in the appeal filed by the applicant-appellant Jakir alias Jakar and the same stands dismissed.
18. The remaining accused persons i.e. Aadil, Faiyaz Ali and Mohammad Inam are entitled for the benefit of regular bail on the basis of parity with the case of Ayyaz Ali who has already been granted the benefit of regular bail. Consequently, the appeals filed by above named three accused-appellants stand allowed and accused-appellants, namely, Aadil, Faiyaz Ali and Mohammad Inam are ordered to be released on regular bail subject to the following conditions besides furnishing of requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned:-
- (i) They shall furnish bail bonds for a sum of ₹ One lac each with two sureties of the like amount;
 - (ii) They shall surrender their passports in the Trial Court, if they are holding the same and are still with them;
 - (iii) They shall appear before Trial Court on each and every date unless exempted by Court;
 - (iv) They shall appear before the Investigating Officer as and when summoned;

- v) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or who are cited as witnesses;
- vi) They shall not involve in any criminal activity and if during the pendency of trial, they are found involved in commission of any offence punishable under UAPA, the prosecuting agency would be free to approach this court for recalling this order and cancellation of their bail;
- vii) They shall not sell, transfer or in any other manner create third party right over their immovable properties;
- viii) They shall furnish an undertaking to the effect that in case of their absence, trial Court may proceed with trial and they shall not claim re-examination of any witnesses.
- ix) At the time of release of the appellants, the concerned SHO shall be informed. They shall appear before the SHO on every alternate Monday till the conclusion of the trial.

19. In the event there is a breach of any of the abovementioned conditions, or of the conditions to be imposed by the Trial Court independently, it would be open to the prosecution to seek cancellation of the bail of the defaulting appellants without any further reference to this Court. Similarly, if the appellants seek to threaten or otherwise influence any of the witnesses, whether directly or indirectly, then also the prosecution shall be at liberty to seek cancellation of bail of the concerned appellant by making appropriate application before the Trial Court.
20. Needless to observe that the observations made hereinabove are only for the determination of appeals seeking bail and same shall have no bearing on the merits of the trial pending before the Special Judge.
21. Pending applications, if any, shall stand disposed of accordingly.

22. Since the cases of the appellants-accused are fixed for recording the evidence of the prosecution witnesses, the trial Court is directed to take the following steps for expeditious conclusion of the trial:-

- (i) The trial Court shall frame a schedule of dates in advance for summoning the witnesses and shall also endeavour to record the statements of the PWs whose presence is duly secured. Special Messengers be deputed for securing the presence of the prosecution witnesses. If deemed necessary, a letter may be written to the Senior Superintendent of Police, concerned, for getting the needful done for ensuring timely presence of prosecution witnesses; and
- (ii) The prosecution is directed to ensure the presence of all the prosecution witnesses before the trial Court on the dates as may be fixed by the trial Court for recording prosecution evidence. The District Attorney concerned to take necessary steps for the purpose of securing the presence of the remaining prosecution witnesses.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

17.02.2026
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Whetherspeaking/reasoned	√Yes/No
Whetherreportable	√Yes/No