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

CRM-M-6079-2026

Date of Decision: 11.05.2026

NIYAJU ALIAS NIYAZ MOHD

... Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vinay Kumar Pandey, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.150 dated 14.05.2020 registered under Sections 148, 149, 323, 341, 188 and 295-A IPC (Sections 307 and 34 added and Sections 148 and 149 deleted during the course of investigation at Police Station Punhana, District Nuh.

2. The FIR came to be registered at the instance of Manish Kumar and the same reads as under:-

*“To, The S.H.O. Sahib, Police Station Punhana. Jai Hind.
Subject: Attack by unknown attackers on moving/ running bike.
Sir, it is requested that I, Manish Kumar S/o Shri Subhash Chand is resident of Punjabi Colony and I have a paint shop in name and style as Sadhu Ram Traders. That opposite of me is a shop name and style Kapil General Store of Kapil S/o Radhe Shyam. On date 13.05.2020 at time about 10:30 AM myself and Kapil by riding on bike No. HR-28F-8207 for some purposes have gone to Syndicate Bank. At return when we were near*

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Hodal Chowk Punhana for Main Bazar Punhana then unknown have attacked on us with stones. Because of this our bike has fallen down there. We ran away then they have chased us till Punjabi Colony. Because of hitting of stones, we were injured. After getting medicines etc I was taken to my house in my car and Kapil was referred for G.H. Mandikhera Hospital. Till now I was busy in my treatment. We both do not have any personal animosity with attackers. The numbers of attackers were about 30-40 person and knowing as Hindu we were attacked. Therefore, it is requested to your goodself that in this matter the strictest action be initiated and the attackers should be nabbed at the earliest.” Sd/--- Manish

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been nominated as an accused while he was in custody in another case, wherein he is alleged to have made a confessional statement regarding his involvement in the present case. Taking the allegations to be correct, stones and bricks were thrown at the complainant-Manish Kumar and the injured-Kapil. While the complainant has not supported the prosecution case, Kapil has stated that he came to know the names of the accused persons after three months of the occurrence. His statement would amount to hearsay evidence. As regards the petitioner being declared a proclaimed offender, he contends that the petitioner remained absent from the trial only for a period of approximately one and a half months on account of noting down of a wrong date. As the petitioner has undergone total incarceration of 01 year, 10 months and 16 days but only 06 of the 15 prosecution witnesses have been examined so far,

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the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

3. On the other hand, the learned State counsel has filed a reply dated 29.03.2026, which is taken on record. While referring to the said reply, he contends that the petitioner is a habitual offender with 03 other cases registered against him. The nature of the allegations levelled against him does not entitle him to the concession of bail, particularly when he was declared a proclaimed offender. He, however does not dispute the fact that he has undergone custody of 01 year, 10 months and 16 days, only 06 of the 15 prosecution witnesses have been examined so far and that the petitioner was arrested within one and a half months of having been declared a proclaimed offender.

4. I have heard the learned counsel for the parties.

5. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner has undergone 01 year, 10 months and 16 days of custody but only 06 of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

6. Thus without commenting on the merits of the case, the present petition is allowed and petitioner- Niyaju @ Niyaz Mohd. S/o Mubin is

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ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.05.2026

Kusum

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