



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

**224**

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**CRM-M No.6115 of 2026  
Date of decision : 9.2.2026  
Date of uploading : 9.2.2026**

**Khalid @ Khalli @ Foji** .....**Petitioner**  
**Versus**  
**State of Haryana** .....**Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Rosi, Advocate, for the petitioner  
Ms. Priyanka Sadar, Senior DAG, Haryana  
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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.143 dated 1.10.2024 under Sections 126(2), 287, 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959 (Section 109(1) of BNS added and Section 287 of BNS deleted later on), registered at Police Station Bichhor, District Nuh.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'To, The Station House Officer. P.S. Bichhor, Nuh. Subject Application regarding taking legal action against accused Khalid son of Yasin @ Noliya resident of Bisru. Sir, requested that I applicant Kamil son of Abdul Rashid is permanent resident of Bisru, PS Bichhor, Tehsil Punhana,*



*District Nuh. Sir on dated 29.09.2024 at time about 11.45 A.M in afternoon I was going to my house on my tractor, as I reached at Bangali Chowk Mohalla Havelia, then accused Khalid son of Yamin @ Nolia parked his bike in front of my tractor, and took out his pistol from his back and direct fired at me, somehow I saved myself and Asraf son of Sagruddin, Mubarik son of Sher Jang, Sakib s/o Kutbuddin, Rassu s/o Salamudeen, Mustakeem s/o Umar Mohammad saved me and that above-said accused has said that today you have saved and if got any chance in future I will kill you, and i will erase the mark of 22 people from your family and said that till their revenge is over I will not sit quiet until he does it. When my younger brother came to know about it, he called PCR on 112, after some time the PCR police came and investigated and left. Sir, above-said accused had shot and killed my brother Aamil @ Azad in the year 2018, and the said accused is out on bail. Sir, above-said accused is dangerous type of anti-social element and a criminal type of person. Sir, from the above-said accused, our life, property and honour are in danger. With folded hands, I request that strict legal action be taken against the said accused Please, it will be your kindness. Thank you, Date SD KAMIL RASHID, Applicant Kamil Rashid son of Abdul Rashid, resident of Bisru, Police Station Bichhor, Tehsil Punhana. District Nuh. Mobile No. 9813097856, 8053872628 Today, on the above application being received at the Police Station, FIR No. 143 dated 01.10.2024 under Section 126,287, 351(2) BNS, 25-54-59 A ACT will be registered at the Police Station Bichhor and the case will be registered with computerized copies and will be sent to the service of higher officials and area magistrate sahib and along with the copy of the application, ASI with SPO Tej Singh 408 will go to the spot for investigation.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.10.2024. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the prime prosecution witness namely Kamil Rashid (FIR-complainant) has turned hostile when examined as a prosecution witness. Learned counsel has further submitted that the case



in hand is of no injury case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 9.2.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.10.2024 wherein after investigation was concluded and challan was prepared on 24.12.2024 and subsequently presented. Total 16 prosecution witnesses have been cited, out of which only 6 witnesses have been examined and one has been given up. It is not in dispute that the prime prosecution witness namely Kamil Rashid (FIR-complainant) has turned hostile when examined as a prosecution witness. The rival contentions, including the weightage required to be attached to the testimony of hostile witness; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 9.2.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 3 months and 10 days. As per the said custody certificate, the



petitioner is stated to be involved in 2 more cases/FIRs, out of which in one case he has been convicted and sentenced to undergo RI for life imprisonment. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or



- documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
  - (iv) The petitioner shall not commit any offence while on bail.
  - (v) The petitioner shall deposit his passport, if any, with the trial Court.
  - (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
  - (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)  
JUDGE

9.2.2026  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |