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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115-A)

CRM-M-8963-2026 (O&M)
Date of decision: 24.03.2026

AARIF

.... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Imtiyaz Hussain, Advocate, for the petitioner.
Mr. Viney Phogat, DAG, Haryana.
Mr. Vipul Aggarwal, Advocate for
Ms. Sunita Gupta, Advocate for the complainant.

JASJIT SINGH BEDI, J. (Oral)

CRM-13027-2026

This is an application under Section 528 of BNSS, 2023 for
placing on record Annexures R-1 to R-3.

Allowed as prayed for. Annexures R-1 to R-3 are taken on
record, subject to all just exceptions.

Main case:-

The prayer in this third petition under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of
regular bail to the petitioner in case FIR No.130 dated 16.05.2022 registered
under Sections 302, 201 and 34 of IPC at Police Station Utawar, District
Palwal.

2. The present FIR came to be registered at the instance of Tofeek
and reads as under:-

“To, The Station House Officer, Police Station Utawad.

Subject: Application for taking legal action against 1. Sahil,



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2. Adil son of Saikul, 3. Saikul son of Asraf, residents of Village Bhudpur, Tehsil Hatin, presently residing at Utawad Colony near Police Station Utawad, 4. Samaydeen @ Behra son of Zuhru, Village Beel Singh Pur, Police Station Kishangarh, District Alwar, 5. Arbaaz son of Ratti, 6. Bhajan son of Aseen, 7. Arif son of Kirodi, residents of Village Utawad, Tehsil Hatin, 8. Sabbir son of Subdeen, 9. Shamshu son of Haroon, resident of Village Pachanka, presently residing at Village Dhiranki, Hatin, behind Hatin Court, and 4-5 other unknown accused persons. Sir, it is respectfully submitted that I, Toufeeque son of Toula, resident of Village Singar, Police Station Bichhor, District Nuh, state that my brother Shaukeen, who was a truck driver, used to work as a driver under Saikul son of Asraf (Foreman). On 15.02.2022 at about 1:00 PM, I received a phone call on my mobile number 9306001141 from mobile number 9050572879 from Sahil etc. stating that my brother Shaukeen had sold the diesel of their truck and asked me to come to their house at Utawad Mod with their money, otherwise they would kill my brother Shaukeen; thereafter Saikul etc. made me speak with my brother Shaukeen, who, while crying on the phone, told me to bring the money quickly, otherwise the persons namely Sahil, Adil son of Saikul, Saikul son of Asraf residents of Village Bhudpur presently at Utawad Mod, Samaydeen @ Behra, Arbaaz, Bhajan, Arif residents of Village Utawad, Sabbir, Shamshu resident of Pachanka presently at Hatin, and 4-5 other persons would kill him, and he further told that they had severely beaten him and asked me to come quickly to Saikul's house at Utawad Mod with the money; after some time I came to know that Saikul etc. had also demanded money from Deen Mohammad son of Umed resident of Village Bhond, Police Station Ferozepur Jhirka, Nuh, on phone number 9813653863 from number 9050572879 and had also made him speak with Shaukeen, and Deen Mohammad, who is the father-in-law of Shaukeen, informed me that they were threatening him to come quickly with money to Saikul's house at Utawad Mod otherwise they would kill Shaukeen;



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thereafter on 15.05.2022 at about 5:00 PM I along with Deen Mohammad, Wajid son of Zakir resident of Bhond, and my family members reached Saikul's house at Utawad Mod with money, where a large crowd had gathered and the persons standing there told us that Saikul etc. along with 10-15 persons had badly beaten one man due to which he died and people were saying that the deceased was Shaukeen, and they also told us that shortly before our arrival Saikul etc. had put the dead body of Shaukeen into a car and taken it somewhere to destroy/dispose of the body; thereafter I and my family members tried to locate Shaukeen on our own and later came to know that Saikul etc. had thrown the dead body of my brother Shaukeen at the house of Sabbir at Hathin and fled away, and it also came to our knowledge that the police had kept the dead body of Shaukeen at Palwal, where we went and identified the dead body of Shaukeen, therefore legal action be taken against all the above-mentioned accused persons, and today dated 16.05.2022 I have come to Police Station Utawad for necessary action.”

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR. The name of the petitioner finds mentioned in the disclosure statement of one of the co-accused, namely, Saikul. As the petitioner is in custody since 29.05.2022 but only 03 out of the 41 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the beating up of the deceased was being recorded by one Saikul on his mobile phone. The petitioner is clearly visible as one of the assailants of the deceased. Therefore, he is not entitled to the concession of bail.

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



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6. Though, the petitioner is not named in the FIR, during the course of the investigation, one Saikul was apprehended and his mobile phone was recovered. It was found that he had recorded the beating up of the deceased Shaukeen. In the said recording on the mobile phone, the petitioner is clearly visible. Thus, apparently, he is one of the assailants of the deceased.

7. In view of the fact that the petitioner is one of the main accused, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

8. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

24.03.2026
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No