

CRM-M-9334-2026

2026:PHHC:040140



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Subhan Khan

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 16, 2026

Date of Uploading: March 16, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Satish Chaudhary, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 439 of the Cr. P.C. seeking grant of regular bail to the petitioner, in case bearing FIR No.210 dated 17.06.2018, registered for the offences punishable under Sections 148/ 149/ 307/ 323/ 341/ 506/ 302/ 120-B of IPC and Section 25 of the Arms Act, 1959, at Police Station Sadar Tauru, District Nuh.

2. The gravamen of FIR in question is that on 17.06.2018, complainant Chakriya submitted a complaint against Subhan Khan (petitioner herein) and others, naming around 11 accused persons along with 10–12 unknown individuals. In his complaint, he stated that the accused had prior enmity with his family, and that earlier cases had also been registered against them. He further alleged that the accused had previously threatened to kill

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members of the complainant's family. According to the complainant, on 16.06.2018 at about 11:00 AM, his family members were returning home after offering Namaz at the Eidgah when the accused persons, who were armed with weapons, attacked them and assaulted Aamin, the 16-year-old grandson of the complainant. When other family members reached the spot to intervene, the accused allegedly opened fire, as a result of which around 15 persons sustained injuries from gun pellets. Thereafter, the accused fled from the scene.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR In question. Learned counsel has submitted that the petitioner is a man aged 72 years. Learned counsel has further argued that earlier no culpability was found against the petitioner, whereinafter, while exercising powers under Section 319 Cr. P.C., the trial Court had summoned the petitioner to face trial. Learned counsel has submitted that even after said summoning, prime private prosecution witnesses have turned hostile, thus, the trial is not likely to culminate into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 11.03.2026, in the Court today, which is taken on record.

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

6. It is not in dispute before this Court that earlier the petitioner was found innocent by the police during investigation and is currently facing trial

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on account of his having been summoned as an additional accused by the concerned Court by exercising powers under Section 319 Cr. P.C. The petitioner is in custody since 31.07.2025. The petitioner is a man aged 72 years. The rival contentions raised at Bar; including weightage required to be attached to the testimony of the hostile witnesses; shall be ratiocinated upon 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 11.03.2026, the petitioner has suffered incarceration for 07 months and 11 days, and is not shown to be involved in any other FIR(s).

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, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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.

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- (v) The petitioner shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioner shall give his cellphone 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 trial Court/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.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No