



CRM-M-11599-2026

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

Sr. No.218

CRM-M-11599-2026
Date of Decision: 10.03.2026

AASH MOHAMMAD

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Aditya Sanghi, Advocate and
Mr. Pradeep Bhardwaj, Advocate
for the petitioner.

Mr. Vaibhav Sharma, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the BNSS, 2023 (akin to Section 439 Cr.P.C.) seeking grant of concession of regular bail to the petitioner/accused Aash Mohammad son of Lal Singh @ Lal Mohammad, aged about 42 years, in a case arising out of FIR No. 221 dated 09.09.2023, registered under Sections 148, 149, 302, 307, 323 and 506 IPC at Police Station Sadar Kanina, District Mahendergarh, Haryana. The challan has been presented under Sections 302, 307, 323, 325, 34 and 506 IPC, and the charges have been framed under Sections 323, 325, 307, 302 and 506 read with Section 34 IPC.

2. As per the prosecution case, the FIR was registered on the basis of a written complaint submitted by the complainant Irfan on 09.09.2023. It is alleged that on the evening of 08.09.2023, accused Nasim and Samir were assaulting stray cows in the village. When the grandmother of the



complainant objected to their conduct, the said accused along with the present petitioner and other co-accused allegedly formed an unlawful assembly and, while being armed with weapons, entered the house of the complainant and assaulted the complainant and his family members. It is further alleged that the assailants caused simple as well as grievous injuries to them with an intention to kill. On raising alarm, several co-villagers reached the spot, upon which the assailants fled from the place of occurrence. After registration of the FIR, investigation proceedings were initiated. During the course of treatment, one of the injured persons, namely Firoz Khan, succumbed to the injuries sustained by him on 11.09.2023, whereupon offence under Section 302 IPC was added.

3. It is argued by learned counsel for the petitioner that the petitioner is in custody since 22.09.2023. It is submitted that this Court has already extended the concession of bail to similarly placed co-accused, namely Ashif Khan and Lal Muhammad @ Lal Singh, by specifically noticing factors such as the existence of version and cross-version, absence of any specific role or injury attributed at the FIR stage, completion of investigation, presentation of challan and the delay in conclusion of trial. On the strength of the said circumstances, it is contended that the principle of parity squarely applies to the case of the present petitioner and he is entitled to be treated alike unless the prosecution is able to demonstrate a clear and distinguishing feature. Learned counsel further submits that out of 27 prosecution witnesses, only the complainant has been examined so far. It is also argued that no fatal injury has been attributed to the petitioner; rather he is alleged to be armed only with a danda and no specific injury has been



attributed to him. He further submits that the main accused Naseem has already been declared innocent during investigation and Anjum, who is also alleged to be a main accused, has been granted anticipatory bail. Thus, three co-accused have already been released on bail and, therefore, the petitioner also deserves the concession of regular bail.

4. Mr. J.P. Sharma, Advocate, appeared on behalf of the complainant and filed his memo of appearance. Learned State counsel, assisted by learned counsel for the complainant, has opposed the bail petition and submits that the eyewitnesses are yet to be examined in the present case. It is further contended that the case of the petitioner is not at par with the co-accused who have been granted bail. According to the State, accused Naseem was declared innocent during investigation and the application filed under Section 319 Cr.P.C. seeking his summoning has also been dismissed. It is further submitted that co-accused Anjum was granted the concession of anticipatory bail being a lady, whereas another co-accused was granted bail considering his advanced age of about 80 years. Therefore, according to the State, the case of the present petitioner does not fall on parity with the said co-accused. It is argued that serious allegations involving the commission of murder have been levelled and, therefore, the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties and have gone through the record. As per the allegations in the FIR, the petitioner is stated to be armed with a danda and no specific injury, much less the fatal injury, has been attributed to him. The investigation in the case stands completed and the challan has already been presented before the trial Court. Out of 27



prosecution witnesses, only one witness i.e. the complainant has been examined so far, which indicates that the trial is progressing at a snail's pace. The petitioner has been in custody for the last about two years and six months. It is also not in dispute that three co-accused have already been granted bail in the present case. A perusal of the order granting bail to co-accused Lal Muhammad @ Lal Singh shows that the concession of bail was not granted merely on account of his age of about 80 years, but also keeping in view the fact that only one injury was suffered by the deceased and the fatal blow had not been specifically attributed to him, besides considering the length of his custody. The factor of lengthy incarceration was thus treated as a relevant consideration, which equally applies to the present petitioner.

6. It is further to be noticed that an application under Section 319 Cr.P.C. was moved by the complainant seeking summoning of accused Naseem and other persons who had been declared innocent during investigation, however the said application has also been dismissed by the trial Court. It is also a matter of record that the present case arises out of a version and cross-version, wherein members of the accused party had also received injuries, leading to registration of a cross case under Section 307 IPC.

7. Considering the totality of the circumstances, particularly the role attributed to the petitioner, the absence of any specific injury attributed to him, the completion of investigation, the slow pace of trial, the long period of custody and the principle of parity with the co-accused who have



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already been granted bail, this Court is of the view that the petitioner deserves the concession of regular bail.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

10. All pending applications, if any, also stand disposed of.

10.03.2026
Anu

(MANDEEP PANNU)
JUDGE

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