



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

Sr. No.228

**CRM-M-12269-2026
Date of Decision: 12.03.2026**

WAHID @ MULLI

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Jasmine Gill, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. The present is the second petition under Section 439 of the Code of Criminal Procedure praying for grant of regular bail during the pendency of trial in FIR No. 104 dated 04.06.2016 under Sections 148, 149, 302 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Nagina, District Mewat (Nuh), Haryana.

2. The brief facts of the case are that on 04.06.2016, complainant Alla Baksh son of Amru submitted a written complaint to the SHO, Police Station Nagina. It was alleged that on the same day at about 4:00 PM, his nephew Shahid son of Rehman was present in the village. Due to previous enmity, all the accused persons allegedly came there armed with deadly weapons and started assaulting him. It was alleged that the accused persons beat him with iron rods, lathis and the butt of a rifle and inflicted blows on



his vital parts with an intention to kill him. On hearing his cries, people from the vicinity gathered at the spot, whereupon the accused fled away. The injured was thereafter taken to the hospital, where the doctors declared him brought dead.

3. It is argued by learned counsel for the petitioner that the FIR in the present case was initially registered against 13 persons, out of whom 7 were declared innocent during investigation, whereas three accused persons have already been acquitted after trial as the prosecution evidence was disbelieved by the trial Court. They were acquitted vide judgment dated 14.02.2019 passed by the Court of learned Additional Sessions Judge, Nuh. It is further submitted that the present petitioner is in custody since 04.06.2025. The challan against him has already been presented and two main witnesses namely the complainant and the eye-witness have been examined on 19.02.2026. It is contended that both the said witnesses have not supported the case of the prosecution and have turned hostile. It is thus submitted that the petitioner is in custody for the last 9 months and 8 days and no useful purpose would be served by keeping him behind the bars and, therefore, he deserves to be released on regular bail.

4. Notice of motion.

5. Ms. Jasmine Gill, AAG, Haryana accepts notice on behalf of the respondent-State and contested the present petition on the ground that serious allegations of committing murder have been levelled against the petitioner. It is submitted that the petitioner was part of the armed group which attacked the deceased and that he was armed with a rifle and had hit



the deceased with the butt of the rifle on his abdomen. It is further submitted that the petitioner was earlier declared a proclaimed offender, however, he subsequently surrendered and is now facing trial. It is not disputed that the main accused Taiyab along with three other co-accused have already been acquitted in the case and that two witnesses examined so far have not supported the case of the prosecution, however, it is argued that other prosecution witnesses are yet to be examined and therefore the petitioner does not deserve the concession of bail.

6. I have heard learned counsel for the parties and perused the record. It is not disputed that the complainant and the eye-witness, who are the main witnesses of the prosecution, have already been examined and both of them have turned hostile and have not supported the case of the prosecution. It is further a matter of record that Taiyab, the main accused, along with three other co-accused has already been acquitted by the trial Court. The petitioner is in custody for the last about nine months and eight days and the trial is likely to take some time to conclude. In view of the fact that the material witnesses examined so far have not supported the prosecution case, the continued incarceration of the petitioner would serve no useful purpose.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.



8. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.
9. All pending applications, if any, also stand disposed of.

12.03.2026
Anu

(MANDEEP PANNU)
JUDGE

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