



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

**CRM-M-12935-2026**

**Date of Decision: 25.03.2026**

**Date of Uploading: 25.03.2026**

Mohd. Kaif Shah @ Pothia

.....Petitioner.

Versus

State of Punjab

.....Respondent.

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

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Present:- Mr. Mohit Kumar, Advocate  
for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

**SUMEET GOEL, J.(Oral)**

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, 439 Cr.P.C, for grant of regular bail to the petitioner in case bearing FIR No.103 dated 14.05.2025 registered for the offences punishable under Sections 109(1), 125, 351(2), 61(2), 191(3) and 190 of the BNS, 2023, Sections 307, 506, 120-B, 337, 148 and 149 of IPC and Section 24-54-59 of the Arms Act, at Police Station City-1, District Malerkotla.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*“Copy of original statement Statement of Mohammad Sehbaz son of Mohammad Deen resident of Bagh Basti Sirhindi Gate Malerkotla age about 32 years mobile number 76969-86991 stated that I am a resident of the above address. My cosmetic shop is inside Sirhindi Gate Malerkotla. Today at around 9.30 PM I was present at my house when I received a*

*call from Mohammad Kaif son of Mohammad Sehbaz resident of Bagh Basti Sirhindi Gate Malerkotla on Instagram and he started abusing language me on the phone. After that THE at around 10.30 PM Five people including Mohammad Kaif on motorcycles came outside my house. Among of whom I recognize some people including Azam Jungle son of Mida resident of Jeeru Rahmani Wali Gali Malerkotla, Shan son of unknown resident of near Jarg Chowk Malerkotla, Tabis son of unknown resident of Kachha Kot Malerkotla, Woomen son of unknown resident of Zahid da Dera near Loha Bazar Malerkotla and Rashid son of Dack resident of Mama Ji Masjid in front of Bhumsi Malerkotla and 5/6 unknown people who came outside my house and started firing. I was standing on the roof of my house and Sahil son of wade valla resident of Mohalla Chor Mara near Government School Malerkotla fired a shot in the air as soon as he came and later Ali son of Bhundi resident of Chhatti Gali 786 Chowk Malerkotla fired a shot towards me and then another shot Moon son of unknown resident of near Jangi Majri Malerkotla. The above mentioned person fired another shot at me and my mother Balkees was standing at the door of my house when Anas alias Ali son of Vaida resident of Eidgah Chungi in front of Madrasa Malerkotla shot her. We all the family entered our house and saved our lives and while leaving, all these above mentioned persons started threatening us saying that this is just a trailer, we will blow up your house with a bomb. The reason is that we have had two or three fights with these above mentioned persons before, against whom a case was registered in Police Station City-2 Malerkotla and with the intervention of the respectables of the Society the matter has been compromised. These above mentioned persons have a grudge against me, which is why they have committed this incident today. I have written my statement to you today, I have read it and heard it, it is okay to take action.”*

3. Learned counsel for the petitioner submits that the petitioner is in custody since 16.05.2025. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question due to some misunderstanding which now stands resolved by way of a written compromise dated 04.11.2025 (copy thereof has been appended with the petition as Annexure P-3). Learned counsel has further submitted that somewhat similarly placed co-accused, namely, Azam @ Azam Jungli,

Mohd. Ali @ Ali Bhundi Wala and Mohd. Rashid @ Dekan Wala have already been afforded concession of regular bail by a Co-ordinate Bench of this Court on 04.02.2026. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 24.03.2026 in the Court, 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. The petitioner was arrested on 16.05.2025 and is stated to be in custody since then. Challan, upon culmination of investigation stands filed on 05.03.2026. Total 14 prosecution witnesses have been cited but none has been examined till date. Further, as per the said custody certificate the petitioner is stated to be involved in other cases. 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*.

6.1. The rival contentions; including the veracity/weightage required to be attached to the compromise dated 04.11.2025 (Annexure P-3); 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.

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 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.
- (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/Illaq 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.

**March 25, 2026**  
Yag Dutt

**(SUMEET GOEL)**  
**JUDGE**

*Whether speaking/reasoned:* Yes/No  
*Whether Reportable:* Yes/No