



CRM-M-13582-2026 (O&M) -1-

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

247

**CRM-M-13582-2026 (O&M)
Decided on: 28.04.2026**

MUJMIL @ MUJAMMIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.207 dated 19.12.2023 under Sections 395, 397, 34 of IPC, 1860 & Sections 25, 54, 59 of Arms Act, registered at Police Station Rozka Meo, District Nuh.

2. Briefly stated, on 19.12.2023, the complainant, namely, Rahul Kumar, made a complaint wherein he stated that on that day, at around 3:00 PM, he was driving a truck and stopped near Village Khod as his truck went out of order. Thereafter, he slept at the spot and at around 3:45 AM, when he alighted from the Truck, 6-7 unknown boys came there on three Motorcycles and attacked him. One of them put a knife on his neck while other was armed with a pistol. They snatched two silver chains, Adhar Card, Driving Licence, Mobile Phone and



Rs.30,000/- from him and fled from there while threatening the complainant to kill on raising any alarm.

3. Learned counsel for the petitioner contended that the petitioner has been falsely involved in this case as the petitioner has not been named in the present FIR; the petitioner has been nominated on the basis of disclosure statement of co-accused namely, Tahir; the said co-accused Tahir has been granted the concession of regular bail vide orders dated 18.03.2024 passed by learned Sessions Judge, Nuh; the complainant has already been examined before the trial Court; after arrest, no Test Identification Parade (TIP) of the petitioner was conducted qua the present petitioner to establish his complicity in the present case; there is no apprehension that after his release, the petitioner will tamper with the prosecution evidence; the petitioner has been in custody since, 17.07.2025; investigation has been completed in this case and challan has been filed before the trial Court; trial will take sufficient time to conclude and no useful purpose would be served by keeping the petitioner behind the bars; as such, prayed for concession of regular bail.

4. Notice of motion.

5. Mr. Surender Singh Pannu, Addl. A.G., Haryana, who is present in Court, accepted notice on behalf of respondent-State and by way of filing of reply dated 24.04.2026 & custody certificate dated 27.04.2026 opposed the concession of regular bail to the petitioner while submitting that the present petitioner played a vital role in the commission of alleged crime with co-accused and has looted the



complainant when he has stationed his truck on road; the petitioner has received an amount of Rs.3500/- as his share; the petitioner is involved in four more cases of similar nature; the complainant already stands examined in this case and he has identified the present petitioner as one of the assailants; however, learned counsel fairly admitted that Test Identification Parade (TIP) has not been conducted; the investigation is complete and challan stands presented before the trial Court; the co-accused namely, Tahir who is similarly placed, has been granted the concession of regular bail by the trial Court.

6. Heard.

7. Taking into consideration the facts & circumstances of the present case and the rival contentions of the parties, this Court finds merit in the present petition on the following aspects:

- (1) the petitioner has been in custody for the last 09 months & 11 days;
- (2) the co-accused namely, Tahir, who is on the same footing, has been granted the concession of regular bail vide orders dated 18.03.2024 passed by learned Sessions Judge, Nuh;
- (3) the complainant in the present case, has already been examined by the trial Court, so there is no apprehension that the petitioner will tamper with the evidence;

trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession



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of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

28.04.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO