



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

**235-5****CRM-M-14627-2026****Date of decision : 21.04.2026****Date of uploading : 21.04.2026****Aarif****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

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

Mr. Gurmeet Singh, AAG, Haryana.

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

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.252 dated 11.07.2025 under Sections 191(3), 190, 115(2), 118(1), 126(2), 140(3), 281, 125, 324(4), 117(4), 140(4) and 351(3) of BNS and Section 25 of Arms Act, registered at Police Station Sadar Nuh, District Nuh.

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

*"To, SHO, Police Station Sadar Nuh, District Nuh. Subject:*

*Request for legal action against Barkhilaf Sumeri, Arif Wasim, sons of Sumeri, Asif Raheem and Nafees, sons of Arif, residents of village Palla, Police Station Sadar Nuh, and 7-8 other individuals for attempted kidnapping and murder. Sir, I request that the applicant, Mehboob, son of Mr. Jameel Ahmed, resident of Nizamuddin, New Delhi, currently resides in village Palla, Police Station Sadar Nuh, District Nuh. I have opened the Jamia Assalihat Islamic Madrasa in village Palla to provide religious education to girls. It is reported that on 06.07.2025, aforementioned accused jumped over the main gate of the Madrasa, broke the latch, and forcibly entered, inflicting a life-threatening attack on my brother Abdul*



*Hafeez and other family members. I had complained to the police, and upon receiving the information, I also reached the Madrasa. On 07.07.2025, at around 3:00 pm, I was going to Sadar Police Station Nuh, sitting pillion on the motorcycle of Mukeem son of Murad, resident of village Sadai. When we reached near the house of the Director of Waqf Engineering College, accused Sumeri, Arif, Wasim son of Sumeri, Asif, Raheem, Nafees son of Arif and 7-8 other people were already sitting there with motorcycles and camper jeeps, as part of a criminal conspiracy. They hit our motorcycle directly with the camper vehicle in an attempt to kill us, due to which we fell on the ground. And the culprits threatened and said that they will teach you a lesson for filing a complaint with the police and will not leave you alive today. Wasim was driving the camper vehicle and accused Sumeri, Arif son of Sumeri, Asif Rais Nafees son of Arif were sitting in the camper and some other accused were riding on a motorcycle. The accused got down from the vehicle and attacked me with deadly weapons. Accused Sumeri, Arif, Wasim son of Sumeri, Asif Rais, Nafees son of Arif and other accused beat me with sticks and iron rods with the intention of killing me. Accused Wasim put a gun on my head and forcibly put me in the camper vehicle and took me to a secluded place towards the west of the village. Other culprits riding on motorcycles also reached there. To kill me, all the accused Sumeri, Arif Wasim son of Sumeri, Asif Rais Nafees son of Arif and others attacked me severely with sticks and iron rods on my hands, legs, stomach, chest, waist, spine, bones etc. Arif hit me with an iron rod on my right hand, Wasim hit me with a stick on my left hand and Sumeri hit me with a stick on my right leg. The culprits forcibly snatched Rs. 22000/- and then thinking me dead, they threw me in the fields and informed the police and my family from the phone that was in my pocket. On receiving that information, my family member Suhail was coming towards the crime scene in his Eco car, when the accused hit his car with their camper vehicle and broke it. He was pulled out of the car and beaten badly. His relative Raees son of Akram, resident of village Singar, was also coming towards the scene from our Madrasa, he was also seriously injured and the silver chain from his neck was forcibly taken away. After some time, the police arrived and searched for me and recovered me and admitted me to Civil Hospital Nuh. From where I was referred to Medical College Nalhad due to serious injuries. Sir, we have come from village Mirpur, police station Hathin and started living in village Palla a few years ago, whereas accused are a permanent resident of village Palla and is of criminal nature, against whom many serious criminal cases are registered. There is a threat to life and property of me, my family and the children studying in the madrasa from accused. Therefore, I request you to register a case against the accused and take strictest legal action and trace the other accused and protect our life and property. Date 10.07.2025 SD- Applicant Mehboob son of Shri Jameel Ahmed resident of village Palla Police Station Sadar Nuh District Nuh 9654453458 Police action Today I am ASI present at Police Post Nalhad that MC Police Post Nalhad after meeting me has handed over an application number 31-5D dated 11-07-2025 against Mehboob son of Jameel Ahmed resident of Palla Police Station Sadar Nuh and MLR'S No. SH/353/2025 DATED 07/07/2025 regarding Mehboob son of Jameel and MLR'S SH/357/2025 DATED 07/07/2025 regarding Rahees son of Aslam were handed over to ASI. MLR NO-SH/353/2025 In Mehboob, Dr. Sahab has reported a total of 9 injuries no. 1,2,3,4,5,6,7,8 Adv Ortho Opinion and injury no. 9 Adv Surgery Opinion All Blunt and MLR NO -SH/357/2025 DATD 07/07/2025 In regarding Rahees, Dr. Sahab has reported a total of two (2) injuries, injury no. 1,2 Adv Ortho Opinion injury no. 1 Sharp and injury no. 2 BY Blunt and Lagni. Opinion will be obtained from Dr. Sahab regarding the allegation of attempt to murder made in the application. From the stated application and result of MLR 'S,*



*it is found that the 191(3),190,115(2), 118(1)140(3),281,125,324(4) BNS 25- 54-59 of Arms Act has been committed. On which the FIR is being sent to the police station by SPO Mukut Singh 841/Nuh for registration of the case. Later, inform about the FIR number registered and a special report of the above case should be sent to the area magistrate sahab and higher officials as per the rules. I, ASI along with SI Amit Kumar 402/Nuh, have left for the spot. Today Police Chowki Nalhad SD-ASI Arun PP NALHAR PS SDR NUH DATED-11/07/2025 Today Police Station at this time a written Tahrir ASI Arun Kumar Police Chowki Nalhad Bardarkhast Mehboob son of Jameel Ahmed resident of Palla Thana Sadar Munh against Arif Wasim son of Sumeri Asif Rais, Nafees son of Arif, Sumeri and 7/8 other Bahd Rakba Palla regarding kidnapping of the complainant on the strength of illegal weapons and beating him and injuring the family members of the complainant by driving their vehicle at high speed and carelessly and damaging the Eco vehicle, on receipt of the above Tahrir SPO Mukut No. 0-84/ Thana Haza of Munh, registered case no. 252 dated 11.07.2025 under 191(3),190,115(2),118(1), 140(3),281,125,324(4) sections BNS 25.54.59 ARM ACT will be registered at Police Station Sadar Muh and a full copy of the FIR will be prepared on CCTNS through computer and sent to the area magistrate sahab and higher officials. The copy along with the original Tahrir is being sent to the personal office of Arinda SPO on 10<sup>th</sup> Barmoka."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.07.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses have turned hostile, and thus the trial is not likely to culminate into conviction. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 8 months. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of an affidavit dated 20.04.2026, in the Court today, which is taken on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 19.04.2026 in Court, which is taken on record.



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

6. The petitioner was arrested on 19.07.2025 wherein after investigation was carried out and challan *qua* the petitioner stands presented on 12.09.2025. Total 20 prosecution witnesses have been cited, out of which only 5 have been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The rival contentions; including the veracity/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 19.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 29 days, & is shown to be involved in other FIR(s). As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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*.

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 CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell-phone 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 CJM/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.          Pending application(s), if any, shall also stand disposed of.

21.04.2026  
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(SUMEET GOEL)  
JUDGE

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