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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM-M-19496-2025 (O&M)

Lal Mohammad @ Lal Singh

...Petitioner

Versus

State of Haryana

...Respondent

| Sr. No. | Particulars                                                                              | Details        |
|---------|------------------------------------------------------------------------------------------|----------------|
| 1       | The date when the judgment is reserved                                                   | 28.01.2026     |
| 2       | The date when the judgment is pronounced                                                 | 30.01.2026     |
| 3       | The date when the judgment is uploaded on the website                                    | 30.01.2026     |
| 4       | Whether only operative part of the judgment is pronounced or full judgment is pronounced | Full           |
| 5       | The delay, if any, of the pronouncement of full judgment, and reasons thereof            | Not applicable |

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sumer Singh Chauhan, Advocate  
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. J. P. Sharma, Advocate  
for the complainant.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 439 of Cr.P.C. (*which is pari materia with Section 483 of BNSS, 2023*), is for grant of regular bail to the petitioner in case arising out of FIR No. 221 dated 09.09.2023, registered under Sections 307, 323, 148, 149 and 506 of IPC (Section 302 of IPC added later on) at Police Station City Rupnagar.
2. The aforementioned FIR was initially registered under Sections 307,

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323, 148, 149 and 506 of IPC on the basis of a written complaint submitted by complainant Irfan on 09.09.2023 alleging that on the evening of 08.09.2023, accused Nasim and Samir were assaulting stray cows of his village. His grandmother told them not to do so and then above named accused along with the petitioner and other co-accused formed membership of an unlawful assembly and while being armed with weapons, entered inside his house and opened an assault upon his family members and himself, thereby causing simple as well as grievous injuries to them with intent to kill. On clamour being raised, several co-villagers had reached there and then the assailants fled away. After registration of the FIR, investigation proceedings were initiated. One of the injured, namely Firoz Khan, succumbed to the injuries sustained by him on 11.09.2023. Offence under Section 302 of IPC was added. The petitioner was arrested on 15.09.2023. He was interrogated and suffered disclosure statement admitting his involvement in the crime and also took the names of co-accused. Some of the co-accused were also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Only one injury had been sustained by the deceased victim and it cannot be discerned from the allegations that the fatal injury was attributed to the petitioner. He is in custody since long. He is now aged about 80 years. There are no chances of conclusion of trial in near future as only one witness has been examined so far. It is a case of version and cross version. The members of the petitioner's party were not the aggressors. He is on bail in another case registered against him, which is a simple hurt case. His implication in that case cannot be considered to be a reason for denying him benefit of bail in this case. Co-accused Anjum and Ashib Khan have been

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extended benefit of bail. On parity, he too deserves to be given the same benefit. The delay in trial is not attributable to him. It is, therefore, stressed that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the allegations against the petitioner are quite serious in nature as by forming membership of an unlawful assembly with the co-accused, he had opened an assault upon the members of the complainant party, seven of whom sustained simple as well as grievous injuries and one of whom, namely Firoz Khan, had died. The petitioner was an active participant in the occurrence. The *lathi* used by the petitioner in the crime has been recovered at his instance. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused simple as well as grievous injuries to seven members of the complainant party, out of whom, victim Firoz Khan had succumbed to the injuries sustained by him. It is not in dispute that the petitioner has been in custody since 15.09.2023 and investigation in the case now stands completed. The challan has already been presented and the trial has commenced, however, only one witness has been examined so far, which shows that trial is substantially delayed. There is nothing on record to suggest that the delay in trial is attributable to the petitioner. The contention raised on behalf of the petitioner that only one injury was suffered by the deceased and that the fatal blow has not been specifically attributed to the petitioner, cannot be brushed aside at this stage. The petitioner is stated to be about 80 years of age and is admittedly in custody for a

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considerable period. The age of the accused and the length of incarceration are relevant factors while considering a prayer for bail, particularly when the trial is likely to take considerable time for its conclusion. The recovery of a *lathi* at the instance of the petitioner and the allegation of his active participation in the occurrence, as argued by the learned State counsel, do indicate his involvement; however, the same by itself cannot be treated as conclusive proof of guilt at this stage. The principle of parity also weighs in favour of the petitioner, as similarly situated co-accused, namely Anjum and Ashib Khan, have already been granted the concession of bail. It is also a settled principle of law that bail is the rule and jail is an exception, and prolonged pre-trial incarceration militates against the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India, especially when the trial is not likely to conclude in the near future. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for grant of regular bail has been made in favour of the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.01.2026

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*