



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
218
CRM-M-20330-2026
Decided on : 02.07.2026
RIHAN ALIAS RISHU ALIAS RAHISU ALIAS PAHLWAN
.....Petitioner
Versus
STATE OF HARYANA
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajesh Sharma, Advocate, for the petitioner.
Mr. Vipul Sherwal, AAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rihan @ Rishu @ Rahisu @ Pahlwan, aged about 35 years	52	08.02.2025	109(1), 121(2), 190, 191(2), 324(4), 351(3) and 212(a) of BNS, 2023 added later on (corresponding to sections 307, 353, 149, 148, 427, 506 and 177 of IPC) and sections 25, 54, 59 of Arms Act, 1959	Bhiwani Sadar	Bhiwani



2. Allegations discussed in paragraph No.3 of the order dated 16.03.2026, passed by learned Sessions Judge, Bhiwani (Annexure P-2), are reproduced here under:-

“On 08.02.2025, when SI Kaptan Singh along with other police officials was present at Police Post, Baund Kalan, he received a secret information that the culprits of a case of theft of buffaloes registered at Police Post Jhojhu are going towards Dadri via Ghaziabad to Khairdi turn in a pick-up dala bearing registration No.UP-37BT-3360 and they are armed with deadly weapons. At this, a barricading was done at police post Baund Kalan with the assistance of police party headed by SI Surrender. After some time, a pick up dala was seen coming from Khairdi turn. On signal, the pick up dala driver did not stop the vehicle rather started running the pick up dala towards Khairdi turn after taking a turn. He was chased by all the government vehicles. In the meantime, Incharge, Police Post, Kharak Kalan was directed to put a barricade in front of the police post and when they reached near the said police post, the pick up dala driver took a turn and started plying the same towards Rohtak side and then hit into their government vehicle bearing registration No.HR19GV 3007. Thereafter, it also hit government vehicle bearing registration No.HR 19GV 1052 for fleeing away. The culprits who were standing backside in the dala started throwing bricks on the police parties. They also opened fires upon the police party which hit on the front glass of government vehicle bearing registration No.HR 19GV 1052. Police party also opened fire in its defence. Some police officials received injuries. The police parties tried to apprehend the culprits from the pick up dala but they started fleeing away and in this process they suffered some injuries. The person apprehended by ASI Jagjit Singh disclosed his name as Raju son of Sarvar; Rihaan son of Sabir, who was armed with pistol, was apprehended by ASI Vishal; Petu son of Kamlu was apprehended by SI Surrender; Baba son of Lalchi was apprehended by HC Vikas and SI Satbir apprehended Aasan son of Nawab. On the basis of above, present FIR was registered and initially the investigation was conducted by ASI Narender Kumar. Spots were inspected and the above named accused were arrested in the present case. During



interrogation, accused suffered their respective disclosure statements. Section 305 of BNS was added in the present case. The vehicles were mechanically examined. On 09.02.2025, accused Raju, Rahishu alias Rehan alias Pahwan alias Sintu, Petu, Baba and Aasaan again suffered their respective disclosure statements. Section 212 of BNS was added in the present case as accused Petu and Aasaan had disclosed their wrong addresses. On 10.02.2025, the above named accused again suffered their respective disclosure statements. On 08.04.2025, sanction order regarding the pistol in question was obtained from District Magistrate. On completion of investigation, challan against the above named accused was submitted in the court on 06.05.2025.”

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated and prosecution has fabricated the present case only to inflate number of criminal cases allegedly registered against him. It is submitted that no incriminating material or physical evidence was recovered from the place of occurrence so as to lend credence to the prosecution version regarding the alleged incident.

4. Learned counsel further submits that a perusal of the medico-legal reports (MLRs) of the injured police officials does not support the prosecution's allegation of indiscriminate firing by the accused.

As per the MLR of Constable Satbir, only a reddish-coloured bruise measuring 2×2 cm was noticed on the left leg. Police official Vikas is stated to have suffered pain along with an abrasion measuring approximately 3 cm on the right leg, about 5 cm below the knee. Yudhveer is shown to have sustained abrasions measuring 1×1 cm at the base of the index finger and the little finger on the dorsal aspect of the right hand, besides pain and swelling at the base of the right thumb.



Similarly, Surrender is stated to have suffered pain and swelling at the base of the right thumb.

5. It is, therefore, argued that none of the injured police officials sustained any firearm injury, despite categoric allegation in the FIR that accused persons, who were seated in the rear portion of the pick-up vehicle, had opened fire upon the police party. Learned counsel submits that no bullets, empty cartridges, or any other ballistic material were recovered from the spot, thereby rendering the prosecution version *prima facie* doubtful.

6. Learned counsel further submits that mere fact that petitioner is involved in other criminal cases cannot, by itself, be a ground to deny him the concession of bail or to keep him incarcerated for an indefinite period. It is pointed out that petitioner has remained in judicial custody since 08.02.2025, i.e., for a period of about one year, four months and twenty-one days. Therefore, counsel prays for concession of regular bail to the petitioner in the present case.

7. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 01.07.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 04 months and 21 days period inside jail.

8. Learned State counsel, while opposing the prayer for grant of regular bail, submits that petitioner is a habitual offender, as total 34



criminal cases have been registered against him. It is pointed out that 17 of those cases are presently pending trial, while petitioner has been convicted in 11 cases, though they are stated to be of a comparatively less serious nature. In the remaining six cases, petitioner has been acquitted. In view of the petitioner's criminal antecedents and conduct, it is contended that he does not deserve the concession of regular bail.

9. However, upon a specific query put by the Court, learned State counsel submits that, out of total 31 prosecution witnesses, only nine have been examined so far.

10. This Court has heard the learned counsel for the parties and has carefully perused the record.

11. Petitioner has remained in judicial custody since 08.02.2025, i.e., for a period of about one year and four months. It is also not disputed that, out of 31 prosecution witnesses cited by the prosecution, only nine have been examined till date. Consequently, conclusion of the trial is likely to take considerable time.

Although petitioner has criminal antecedents, prolonged pre-trial incarceration cannot be justified solely on that ground, particularly when trial is progressing at a slow pace. Furthermore, most of the remaining prosecution witnesses appear to be official witnesses and, therefore, possibility of the petitioner influencing or tampering with the prosecution evidence would not be there.

12. Having regard to totality of the facts and circumstances of the case, period of custody already undergone by the petitioner, stage of the trial, and the factors noticed here above, this Court deems it



appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

15. It is further made clear that if, in future, petitioner is found misusing the concession of bail or delaying the proceedings in the trial, or again directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

16. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

02.07.2026

Lavisha

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