



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

**CRM-M No.26196 of 2026
Date of decision: 26.05.2026**

Hussain Abbas @ Tippu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Sanawar Ali, Advocate
for the petitioner.

Mr. Vaibhav Sharma, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. This is the second petition filed under Section 439 Cr.P.C./Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.84 dated 19.04.2022, registered under Sections 148, 149, 307 and 427 IPC [now Sections 191(3), 190, 109 and 324(4)(5) BNS] and Sections 25(1B)(a), 54 and 59 of the Arms Act at Police Station Sadar Bahadurgarh, District Jhajjar, during the pendency of the trial.

2. Briefly stated, the facts of the case are that the present petitioner was booked in the present FIR under Section 307 IPC along with Sections 427, 148 and 149 IPC and Section 25 of the Arms Act. The record further reveals that the petitioner was earlier released on bail by a Coordinate Bench of this Court vide order dated 08.02.2023. However, thereafter, the bail granted to the petitioner was cancelled on account of his



absence before the trial Court and he was declared a proclaimed offender. Subsequently, the petitioner was produced from custody before the Court and is stated to be in custody for the last 4 months and 27 days.

3. Learned counsel for the petitioner has argued that after the arrest of the petitioner in the present case, subsequent developments have taken place during trial inasmuch as statements of the prosecution witnesses have been recorded. It is submitted that PW-1 is only a formal witness, whereas PW-2, PW-3 and PW-4 are the material witnesses in the present case and none of them have supported the case of the prosecution. Learned counsel submits that the said witnesses have categorically stated that the petitioner, who is present in Court, is not the person who caused injuries to them or assaulted them. It is further submitted that PW-2, PW-3 and PW-4 were declared hostile and even during their cross-examination by the prosecution, they did not support the prosecution version and denied the role attributed to the petitioner as well as the other accused persons. It is thus argued that nothing incriminating is likely to come on record against the petitioner and, therefore, he deserves concession of regular bail.

4. On the other hand, learned State counsel has not disputed the fact that the petitioner is in custody for the last 4 months and 27 days. It has also not been denied that statements of PW-1 to PW-4 have already been recorded and that PW-2, PW-3 and PW-4, being the material witnesses of the case, have not supported the prosecution case. However, learned State counsel has opposed the prayer for grant of bail on the ground that the petitioner was earlier declared a proclaimed offender after having remained absent from the proceedings and that some other prosecution witnesses are



yet to be examined.

5. Heard.

6. Keeping in view the fact that PW-2, PW-3 and PW-4, who are the material witnesses in the present case, have not supported the prosecution case and have categorically denied the involvement of the petitioner in the occurrence, and even during their cross-examination by the prosecution nothing incriminating could be elicited against the petitioner, this Court is of the considered opinion that further incarceration of the petitioner would serve no useful purpose. This Court also takes note of the fact that the petitioner is already in custody for the last 4 months and 27 days after his re-arrest and the trial is likely to take some time to conclude.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to the condition that he shall regularly appear before the trial Court on each and every date of hearing and shall not misuse the concession of bail in any manner.

8. However, nothing observed herein shall be construed as an expression on the merits of the case.

9. All pending applications, if any, also stand disposed of.

26.05.2026

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(MANDEEP PANNU)
JUDGE

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