



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

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**CRM-M No.29942 of 2026  
Date of decision : 29.5.2026  
Date of uploading : 29.5.2026**

**Muhammad Alam @ Aalam****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Azad Khan, 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 BNSS, 2023 seeking grant of regular bail to the petitioner, in case FIR No.293 dated 12.10.2024, registered under Sections 191(3), 190, 115, 351(2) and 103(1) of the BNS, 2023 (added later on), at Police Station Sadar Tauru, District Nuh.
2. The gravamen of allegation against the petitioner is that the complainant, namely Malkeet Singh, stated that on 8.10.2024 at about 4:00 PM, some women were working in his fields, when Sabbir, Nazim and others allegedly started harassing the said women and making their videos on a mobile phone. When the women objected thereto, the accused persons allegedly hurled abuses at them. The women thereafter narrated the incident to the complainant.



Upon this, the complainant along with his brother, Kuldeep, went to the place of occurrence and objected to the alleged acts of the accused persons. However, Sabbir and Nazim allegedly started abusing them and extended threats of dire consequences. In the meantime, both the accused allegedly called other persons, who arrived armed with *lathis*, *dandas*, iron rods and other weapons. Thereafter, all the assailants allegedly assaulted the complainant by giving fists and kicks blows and by beating him with *lathis* and *dandas*, as a result of which he sustained multiple injuries. It was further alleged that when Kuldeep attempted to rescue the complainant, the assailants also assaulted him with *lathis*. One Bhuru allegedly threatened them with dire consequences. According to the complainant, the women present at the spot intervened and rescued them; otherwise, the assailants would have killed them. It was further stated that the police officials were informed, and upon noticing their arrival, Sabbir allegedly fired in the air and again extended threats of dire consequences and fled away from the spot.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.11.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that though the petitioner is named in the FIR, but no specific role has been attributed to him. Learned counsel has urged that the deceased got injuries in the incident in question on 8.10.2024, but later on succumbed to the same on 24.10.2024 on account of his co-morbidities and compromised body, though allegedly on account of injuries suffered



by him in the incident in question. Learned counsel has further urged that the petitioner has suffered incarceration for about 1½ years and has clean antecedents. Learned counsel has further urged that all the prime private prosecution witnesses stand examined and there is no likelihood of the petitioner interfering with the remaining witnesses as the same are official/police witnesses. Thus, regular bail is prayed for.

4. 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 28.5.2026 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 28.11.2024 wherein after investigation was carried out; challan was prepared on 24.1.2025 and subsequently filed. Total 33 prosecution witnesses have been cited, out of which 13 have been examined and 3 have been given up till date. It is common ground that all the prime private prosecution witnesses stand examined.

It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another,*** decided on 03.07.2024; relevant whereof reads as under:-

*“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental*



*right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.*

*20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.*

*21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

The rival contentions raised by learned counsel give rise to debatable issues which 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 28.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year 5 months and 29 days & is not shown to be involved in any other case.

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 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/Illaqa 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.

**(SUMEET GOEL)**  
**JUDGE**

**29.5.2026**

*Ashwanii*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No