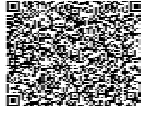


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:024586-DB

CRA-D-1081 of 2024

Reserved on : 28.01.2026

Pronounced on: 17.02.2026

Waseem alias Tetta

.....Appellant

versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI, JUDGE**

Present: Mr. D.S.Matya, Advocate, for the appellant.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

RAMESH KUMARI, J.**CRM No. 31580 of 2024**

There is a delay of 23 days in filing the appeal to challenge the order dated 13.06.2024 passed by the Court of learned Additional Sessions Judge, Nuh, vide which the bail application filed by the appellant herein was dismissed.

In view of the reasons mentioned in the application, the delay of 23 days in filing the appeal is condoned. Application stands disposed of.

CRA-D-1081 of 2024 (O&M)

The present appeal is filed by the applicant-appellant, namely, Waseem @ Teeta against the impugned order dated 13.06.2024 passed by the Court of learned Additional Sessions Judge, Nuh (Haryana) vide which the application filed by him for grant of regular bail in a case arising out of FIR No. 253 dated 01.08.2023 under Sections 148, 149, 332, 353, 186, 307, 395, 397,

435, 436, 120-B, 455 and 216-A of the Indian Penal Code; 25-54-59 of the Arms Act; Section 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 10 and 11 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station City Nuh, was dismissed.

2. The above referred FIR was registered on the basis of a complaint moved by complainant PSI Suraj, Police Station Cyber Crime, Nuh, wherein he stated that on 31.07.2023, at about 3.00 P.M. he along with other police officials was on duty at Cyber Cell, Nuh, where all of a sudden a mob of around thousands of people in a religious procession surrounded Police Station Cyber Crime, Nuh and in prosecution of their common object, started pelting stones at the Police Station and were continuously shouting to burn them alive. They had also broken the main gate and wall of Police Station Cyber Crime by using a bus and thereafter they climbed on the roof of the police station and with their illegal weapons they opened fire at the police staff with intention to kill them. The Police in self-defence used tear gas and fired in the air. The accused set on fire the government as well as private vehicles by sprinkling petrol and damaged the a number of other vehicles. They also damaged the goods kept in the police station and committed theft of Rs.5,000/- and other documents. When extra police staff arrived there, all accused persons who were thousands in number ran away from there by pelting stones while issuing threats to kill all. The complainant also recorded videos and captured photographs of the assailants involved in the incident.

3. Accused-appellant Waseem alias Tetta was arrested in the present case and is in judicial custody since 30.08.2023. His application for grant of regular bail was dismissed by the Court of learned Additional Sessions Judge, Nuh (Haryana) vide impugned order dated 13.06.2024.

We have heard learned counsel at length and perused the record.

5. The contention of learned counsel for the applicant-appellant Waseem alias Tetta, is that since co-accused, namely, Saifulla, Mahubur Rehman alias Mehboob Rehman, Rahish Khan, Tayyab Hussain, Mohd. Naeem, Altaf, Mohd. Ahhruddin alias Ajru, Munasarif, Mustakim and Mubin, Mujahid, Mohd. Sarif alias Kala, Furqan, Samsuddin and Arbaj Hussain have been released on regular bail in this case by the trial Court on different dates, the learned trial Court committed an error in not granting regular bail to the applicant-accused Waseem whose case is similarly situated.

6. Learned counsel for the applicant-appellant further contended that applicant-accused Waseem has not committed any offence. He is neither named in the complaint nor any specific role has been attributed to him. Incident is of 31.07.2023 whereas the complaint was moved on 01.08.2023 against unknown persons. The alleged injuries are simple in nature. Infact there is no video or CCTV footage of the incident. The accused has no criminal back ground except three cases of similar nature of same date which were registered against him. There is no direct evidence against the accused-appellant except disclosure statements of other co-accused. Even no test identification parade had been conducted to establish the identity and the alleged injuries are of simple nature and there is no MLR of any injured on record. The investigation is over and challan has been presented before the learned trial Court. He further submits that the accused-appellant is in custody since 30.08.2023.

7. Learned counsel for appellant/accused further submits that appellant-accused was nominated as an accused in this case on the basis of disclosure statement made by co-accused which does not carry any evidentiary value. It has further been submitted that at the time of occurrence he was not driving the bus. As per disclosure statement of accused, the bus was taken by Shahid brother of Aarif and he took the bus from Shahid. When accused-

appellant reached at the gate of green market, Osama and other companions boarded the bus and then the bus was taken from him by Rashid son of Harun and in fact Rashid rammed the bus 3-4 times on the main gate of cyber police station. He further contended that since the accused-appellant was not identified by the Investigating Officer nor in the videos, he be released on regular bail.

8. On the other hand, learned State counsel submitted reply to the application and opposed the prayer for grant of regular bail to the applicant-appellant. He argued that accused Waseem is the main accused who looted the bus and rammed the same into wall of Police Station Cyber Nuh to break the wall. At the instance of the applicant-appellant, a motor cycle which was used by him to reach at the spot, the clothes which he was wearing and one bottle containing petrol were recovered from him. The location of the applicant-appellant was also found at the spot of occurrence and as per CCTV footage also he was driving the said looted bus which was crash-driven with the wall of Police Station. He further submits that accused-appellant was also a member of WhatsApp group in which all the accused persons planned the said riots and that the accused-appellant had intentionally broken his mobile phone and his phone has already been sent to DITECH lab for extraction of data.

9. After the accused-appellant was arrested in this case, the clothes which he was wearing at the time of alleged commission of offence and the motor cycle which he allegedly used to reach at the place of crime and one bottle containing petrol were recovered from his possession. He was nominated as an accused in this case on the basis of CCTV footage. Although the Investigating Officer, during the course of his cross examination before the trial Court admitted as correct that the face of the accused-appellant cannot be identified in the video footages but he stated that it was through his physical appearance and

the clothes which he was wearing at the time of commission of offence recovered

from his possession and other supportive material that the appellant-accused was found to be driving the bus in question which hit the main gate of the cyber police station.

10. The appellant/accused cannot claim parity with co-accused who have been granted regular bail as they did not actively participate in the commission of offences and were companions of the main accused, who committed the offence of rioting. Accused-appellant Waseem alias Tetta was identified on the basis of his physical appearance and the clothes which he was wearing and later on handed over to the police and therefore, his prima-facie complicity in the commission of offence is established. Because of seriousness of the allegations levelled against him, he cannot be given the benefit of regular bail as his case is qualitatively on a different footing than the other co-accused who are on regular bail.

11. In view of discussion made above, this Court finds no merit in the appeal filed by the applicant-appellant and the same is dismissed.

12. However, anything expressed herein shall not be construed as opinion on the merits of the case.

13. Since the case is fixed for recording the evidence of the prosecution witnesses, the trial Court is directed to take the following steps for expeditious conclusion of the trial:-

(i) The trial Court shall frame a schedule of dates in advance for summoning the witnesses and shall also endeavour to record the statements of the PWs whose presence is duly secured. Special Messengers be deputed for securing the presence of the prosecution witnesses. If deemed necessary, a letter may be written to the Senior Superintendent of Police, concerned, for getting the needful done for ensuring timely presence of prosecution witnesses; and

(ii) The prosecution is directed to ensure the presence of all the prosecution witnesses before the trial Court on the dates as may be fixed by the trial Court for recording prosecution evidence. The District Attorney concerned to take necessary steps for the purpose of securing the presence of the remaining prosecution witnesses;

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

17.02.2026
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Whetherspeaking/reasoned	√Yes/No
Whetherreportable	√Yes/No