

2026.PHHC:010590



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.45699 of 2025

Faymudin @ Farmudeen ... Petitioner

Versus

State of Haryana and another ... Respondents

|    |                                                                                                      |                |
|----|------------------------------------------------------------------------------------------------------|----------------|
| 1. | The date when the judgment is reserved                                                               | 23.01.2026     |
| 2. | The date when the judgment is pronounced                                                             | 27.01.2026     |
| 3. | The date when the judgment is uploaded on the website                                                | 27.01.2026     |
| 4. | Whether only operative part of the judgment is pronounced or whether the 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. Manoj Tanwar, Advocate,  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,  
for the respondent-State.

Mr. Saurav Bhatia, Advocate,  
for respondent No.2-complainant.

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MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station               | Sections                                                                                                                                                                   |
|---------|------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 138     | 17.06.2025 | Sadar Tauru,<br>District Nuh | 191(3), 190, 115, 126(2), 333, 324, 324(2), 351(2), 118(1), 118(2), 117(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 (1) B of Arms Act, 1959 |

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Khalid alleging that his daughter Mumtaz had contested the election for the post of village Sarpanch, that took place on 15.06.2025 and had remained successful against her competitor Tabassum. The family of accused Sadiq was nursing a grudge against his family for that reason. The complainant had also lodged two cases against the accused Sadiq and previous Sarpanch Niswa. On 17.06.2025, Ex Minister Kanwar Sanjay Singh was invited by him to attend a gathering which had been called by the complainant for thanking his voters. The above named Niswa and Sadiq hatched a conspiracy with the present petitioner and the co-accused and in pursuance thereof, they had got collected stones and bricks in the roofs of their houses and in some vehicles. As soon as the procession of the Ex Minister passed through their houses, they started throwing brickbats and stones upon the members of procession party and

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also opened an assault with illicit weapons. The complainant and the Ex Minister had a narrow escape and as they saved themselves by running from the spot. Accused Jubair had fired a shot towards him. Accused Aabid struck blow with farsa on the head of Talim. The co-accused also caused injuries on several persons who were part of the procession.

3. After registration of FIR, investigation proceedings were initiated. The petitioner along with co-accused was arrested on 17.06.2025. Offences under Sections 117(2) and 118(2) of BNS were added during the course of investigation as injuries found on the person of injured Hakam Khan were opined to be grievous in nature. Some of the persons named as assailants were found to be innocent. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Only one injury on the person of Hakmin has been attributed to him. However, infact, he had not caused any injury on the person of any person. The trial will take considerable time to conclude. No purpose would be served by his further incarceration. The co-accused Aabid has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

5. Per contra, learned Assistant Advocate General, Haryana assisted by learned counsel for respondent No.2-complainant has argued that there are serious and specific allegations against the petitioner who by

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forming membership of an unlawful assembly with the co-accused had voluntarily caused simple as well as grievous injuries to them. One injury sustained by the victim Hakmin has been attributed to the petitioner. The same has been found to be grievous in nature. There are chances of petitioner's committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is in custody since 17.06.2025. He has been linked with the offence with the aid of Section 190 of BNS. It is matter of trial as to whether he was involved in the case and the same is to be concluded on the basis of thorough assessment of the evidence to be adduced before the trial Court and not at this stage. The petitioner has clean antecedents. He is not required for further investigation. The trial is obviously likely to take considerable time to conclude. There are bleak chances of conclusion of trial in near future. As such, no fruitful purpose would be served by keeping the petitioner in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. Pre trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail.

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8. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

**27.01.2026**  
manju

**(MANISHA BATRA)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |