



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

112 (2)+231

CRM-M-47527-2025

Umar Farukh

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-55170-2025

Mosim

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-22293-2026

Juned

.....Petitioner

Versus

State of Haryana

.....Respondent

Decided on 28.04.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saifuddi Shams, Advocate with
Ms. Shabnam Shams, Advocate
for the petitioner in CRM-M-47527-2025

Mr. D.S. Matya, Advocate
for the petitioner in CRM-M-55170-2025

Mr. Senil, Panwar, Sr. Advocate with
Mr. Dhruv Singh, Advocate
Ms. Tejaswini, Advocate
for the petitioner in CRM-M-22293-2026

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

Mr. Mazlish Khan, Advocate with
Mr. Rakesh Kadyan, Advocate
Mohd. Tarif, Advocate
for the complainant

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 petitioners, during the pendency of trial, who have 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
Umar Farukh	92	05.04.2024	148, 149, 302, 324, 341, 365 IPC	Nagina	Nuh
Mosim	92	05.04.2024	148, 149, 323, 324, 341, 364, 302 IPC	Nagina	Nuh
Juned	92	05.04.2024	148, 149, 323, 324, 341, 365, 302 IPC	Nagina	Nuh

As per FIR, allegations have been leveled against 13 accused persons, without assigning any specific role to any individual. FIR states that all accused persons, armed with axes, lathis, knives, and other weapons, formed an unlawful assembly and abducted Uvesh and then stabbed him to death with a knife.

2. **Contentions on behalf of Petitioner-Umar Farukh (CRM-M-47527-2025):-**

Learned counsel for the petitioner- Umar Farukh, submits that, petitioner has been falsely implicated in the present case and has no direct role in the alleged commission of the offence. During the course of investigation and as per the statements of the complainant (PW1 Hasan Mohammad), the only role attributed to petitioner is that he allegedly caught hold of the hands of the deceased-Uvesh. However, it is contended that petitioner was not armed with any weapon and the fatal blows were allegedly inflicted by co-accused



Nadeem and Darraj.

It is further argued that the alleged role is based solely on oral testimony without any independent corroboration. Neither is there any recovery, nor is there any other material connecting the petitioner directly to the fatal assault.

Besides, mere presence in an alleged unlawful assembly, without a clear and specific overt act or common intention, petitioner's personal liberty cannot be curtailed for an indefinite period. Petitioner is in custody for more than a period of two years and continued incarceration of petitioner would serve no meaningful purpose. Thus, prays for grant of bail.

Contentions on behalf of Petitioner-Mosim(CRM-M-55170-2025):-

Learned counsel for the petitioner-Mosim, submits that no specific role has been assigned to the petitioner, and he is not alleged to be armed with any weapon. Furthermore, no overt act, injury, or participation in the alleged assault has been attributed to him in the FIR.

It is further contended that, even in the deposition of the complainant (PW1), no allegation whatsoever has been made against petitioner. His name appears only as a member of the alleged unlawful assembly, without any supporting evidence.

Learned Counsel for the petitioner submits that, mere naming of a person as part of an unlawful assembly, without any specific role, act, or intention attributed, is not sufficient to justify prolonged incarceration. Moreover, petitioner is in custody since 07.04.2024 and his further detention would serve no meaningful purpose as there is no recovery from the petitioner and conclusion of trial is likely to take considerable time. Thus, prays for grant of concession of bail.



CONTENTIONS ON BEHALF OF PETITIONER- JUNED(CRM-M-22293-2026):-

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the FIR, and no specific role or overt act has been attributed to the petitioner either in the FIR, or in the statement of PW-1 Hasan Mohd. (Complainant). Furthermore, he submits that petitioner is in custody since 06.04.2024 i.e. for a period of more than 2 years and conclusion of trial is likely to considerable time. Thus, prays for grant of concession of bail.

3. CONTENTIONS ON BEHALF OF LEARNED STATE COUNSEL:-

On advance notice and in response to the arguments addressed by learned counsel for the petitioners Farukh and Mosim, learned State counsel produces custody certificates dated 27.04.2026 in Court today, which are taken on record, and the Registry is directed to tag the same at the appropriate place.

As per the respective custody certificates, petitioner Umar Farukh has already undergone a period of 01 year 11 months and 13 days in judicial custody, whereas petitioner-Mosim has undergone a period of 02 years and 21 days in custody, and no other case is stated to be registered against either of them.

With respect to petitioner-Umar Farukh, learned state counsel submits that his role is specifically distinguishable and grave in nature, inasmuch as he was actively restraining the deceased-Uvesh, by catching hold of his hands, thereby rendering him completely defenseless and incapable of protecting himself from the fatal assault.



As regards petitioners-Mosim and Juned, although it is not disputed that no overt act or specific weapon has been attributed to them in the statements of the complainant, it is submitted that this, by itself, does not dilute their culpability. Both petitioners were part of the unlawful assembly, the object of which was to commit the offence in question.

It is further argued that the presence of these petitioners at the scene, coupled with their association with the co-accused during the commission of the offence, clearly indicates their shared intention and participation. Thus, prays for dismissal of prayer of bail.

4. COURT'S OBSERVATION:-

After hearing learned counsel for the parties and upon perusal of the material available on record, this Court finds merit in the submissions advanced on behalf of the petitioners. It is observed that all three petitioners, namely Umar Farukh, Mosim, and Juned, were admittedly unarmed at the time of the alleged occurrence and, as per the FIR, no specific overt act has been attributed to them.

The role attributed to petitioner Umar Farukh, particularly with regard to allegedly catching hold of the hands of the deceased, is a matter that requires deeper scrutiny and can only be conclusively determined upon appreciation of evidence during the course of trial.

As regards petitioners Mosim and Juned, their implication rests solely on their alleged presence as members of an unlawful assembly, without any specific role or weapon being assigned to them, and thus their individual culpability also remains to be established during trial. Additionally, all three petitioners have undergone incarceration for a period exceeding two years and are stated to have clean antecedents, not being involved in any other criminal



case. Out of 17 prosecution witnesses, only one has been examined till date. Therefore, this court deems it appropriate to grant the concession of bail to all the petitioners.

5. Consequently, prayer made in the present petition is allowed. Petitioners-Umar Farukh, Mosim and Juned are ordered to be released on bail, subject to their 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.

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

7. However, it is clarified that if there would be any instance of causing threat to the witnesses who are yet to be examined, prosecution by appending substance with the application immediately would seek cancellation of the bail.

8. 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.

9. Petition stands disposed of.

10. A photocopy of this order be placed on the file of connected case.

(SANJAY VASHISTH)
JUDGE

28.04.2026

poonam

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