



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

**CRM-M-56787-2025**

**Date of decision : 17.03.2026**

**Umsna @ Mohd. Usman**

**....Petitioner**

**versus**

**State of Haryana**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Shivek Thakur, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.319 dated 05.12.2019, under Sections 148, 149 & 302 of IPC and Section 25 of Arms Act registered at Police Station Pinangawa, District Nuh.

2. Succinctly, the facts of the present case are that the FIR in question had been registered on the statement of the complainant, namely, Abdul Raseed. It was alleged that on 05.12.2019 at around 02.00 PM, complainant's nephew Fazal was sitting near government school. In the meanwhile, accused person came there and brutally beat him with lathi, danda, fist and kicks blows. When nearby persons came to rescue his nephew, accused person started firing in the air and because of the gun shots the villagers were incapacitated to save Fazal. The bullet fired by Jahul hit on the chest of Fazal and one bullet fired by Usman (present petitioner) hit on his back and the bullet fired by Azad @ Kala hit on his head and they all had committed murder of Fazal in broad daylight. Thus, request was made to take legal action against all the culprits. On registration of the FIR, the investigation commenced. The petitioner approached the learned Additional Sessions Judge, Nuh, for grant of bail, however, after hearing both the sides, the said relief was declined to him



by the trial Court vide order dated 25.09.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-61524-2024, however, the same was dismissed as not pressed on 25.03.2025. Hence, the petitioner is before this Court by way of filing the present second petition for grant of concession of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case due to a family dispute between the complainant and the petitioner's side. It is contended that there are allegations of multiple fires made by the accused. He submits in the FIR, the petitioner has been alleged to have been fired on the back of deceased-Fazal whereas co-accused, Azad @ Kala had fired one bullet in his head. He submits that the ocular version is not even medically corroborated. It is submitted that in all there were 16 accused challaned in the present case, out of which 14 accused have already been enlarged on bail. He contends that the eye-witness have already been examined and thus, there is no probability of the petitioner influencing the eye-witness. To buttress his arguments, he submits that admittedly the custody of the petitioner is more than 05 years and till date he is facing trial. He submits that his fundamental right of speedy trial in itself is defeated. He submits that the long custody of the petitioner in itself is a ground for releasing him on bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is a habitual offender who is involved in multiple cases. He submits that the petitioner had a strong motive to eliminate deceased-Fazal as he was nurturing the grudge against the deceased. He submits that the deceased had suffered 07 injuries as per the postmortem report



and thus, injuries are by the fire arm weapon. He submits that the petitioner had given a fatal blow to the deceased. He, on instructions, has submitted that out of 27 prosecution witnesses, 10 witnesses including the eye-witness, have been examined and they have supported the case of the prosecution. He further submits that out of total 16 accused persons, 14 accused have already been enlarged on bail. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged occurrence in the present case has taken place on 05.12.2019 and the petitioner was arrested on 08.01.2021. It has been submitted before this Court that the ocular version is not medically corroborated. The co-accused who were alleged to have fired upon the deceased have already been granted bail. Eye-witness has already been stands examined. The custody certificate produced would show that the petitioner has suffered an incarceration of 05 years, 04 months and 07 days as on 16.03.2026. Only 10 witnesses have been examined so far, out of 27 prosecution witnesses Though petitioner is involved in multiple cases, however, in some of the cases, he is on bail and has been acquitted in some cases. There is no denial to the fact that *de hors* the allegations made, the petitioner has a fundamental right of speedy trial.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC*

695 has held as under:



*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the facts and circumstances of the case and especially the custody and antecedents of the petitioner, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

17.03.2026  
ps-I

( RAJESH BHARDWAJ )  
JUDGE

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