

2026:PHHC:026079



223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58699-2025 (O&M)
Date of Decision: 18.02.2026

Shuaib @ Dalar @ Ahmed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Sakshi Khera, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

CRM-41840-2025

Application under Rule 3-A(i) of the Chapter 6, Part-B, Volume-V
of the Punjab and Haryana High Court Rules and Orders for grant of leave is
allowed as prayed for.

CRM-M-58699-2025

1. By virtue of the present petition under Section 483 BNSS, petitioner, co-accused in case bearing FIR No.161 dated 29.05.2025 registered against him, for commission of offences punishable u/s 309(6), 310(2) BNS, at Police Station Kheripul, District Faridabad, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Brahampal, S/o Nahar Singh R/o village Bhatola, Faridabad set the criminal law in motion by filing a complaint pointing therein that in the intervening night of 28-29 May, 2025, he was sleeping

at his house. At about 02:00 a.m., 07 persons barged inside his house and unleashed an attack. Before he could react, the assailants after snatching Rs.8200/- and one gold chain, fled away. He (c) immediately called for his son, who tried to chase the assailants but was unsuccessful. Primarily with this backdrop, complainant requested the police authorities to catch hold of the culprits as also to initiate appropriate proceedings against them. On the basis of the said complaint, a formal case vide FIR No.161 dated 29.05.2025 u/s 309(6), 310(2) BNS, at P.S. Kheripul, District Faridabad was registered.

Investigation was set into motion. During which on an information supplied by the secret informer following accused were arrested:-

(i) Sagar Ali @ Rohit, (ii). Madhu @ Madu @ Akka Rahim, (iii). Mustakim @ Kala Banda, (iv). Shaidan @ Arman, (v). Nazim @ Tigar @ Rahbu, (vi). Danish @ Chacha, (vii). Dalar @ Ahmed (petitioner) viii. Sujan.

During interrogation they admitted to their involvement in the commission of offence and also disclosed the identification details of the other assailants. On 15.06.2025, present petitioner namely Shuaib @ Dalar @ Ahmed was arrested. It is further the case of the prosecution that after the present petitioner was arrested on 15.06.2025, Rs.1500/- out of looted amount was recovered. Entire recovery proceedings were videographed. The other accused involved in the incident were arrested at the subsequent intervals, statements of the witnesses were recorded. On culmination of investigation, challan, qua 08 accused was filed.

3. Petitioner-accused had moved an application for grant of bail before the Ld. Additional Sessions Judge, Faridabad. The same was dismissed in terms of the order dated 17.09.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner a

permanent resident of Ahmadpur, Moradabad (U.P.) has been falsely implicated in the present case. Falsity of the case set up by complainant is apparent from the fact that initially the FIR was registered against unknown persons, subsequently on the basis of the disclosure statement of the other co-accused, present petitioner was falsely dragged in the present case. Further, in the complaint, complainant even did not mention the physical identification details of any of the miscreants, neither during the course of the investigation any test identification parade to establish the identity of the present petitioner as one of the accused, was ever got conducted. Thus, there is no supporting material on record on the basis of which involvement of the petitioner in the alleged offence stands established. In any case, further as per learned counsel, investigations qua petitioner are complete, as challan has been filed but the completion of trial is likely to take some time as no prosecution witness has been examined till date. When viewed in the light of factual scenario of the case and the submissions advanced hereinabove, further incarceration of the petitioner would not serve any useful purpose and would also be violative of Fundamental rights guaranteed under Article 21 of the Constitution of India, including right to speedy trial. Primarily with this submission, prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request of bail learned State counsel contends that petitioner along with his other accomplices committed dacoity in the house of the complainant and assaulted him. Petitioner was named by the other co-accused, who were arrested prior to him. Pursuant to his arrest, during interrogation he confessed to his involvement and get recovered Rs.1500/- that has come to his share. It is further the submission of learned State counsel that petitioner permanent resident of Moradabad (U.P.) is also involved in three other criminal cases, the details of which have been

mentioned in para 17 of the report. In view of the past questionable antecedents, as also taking into consideration the fact that complainant and related witnesses have not been examined, if extended the concession of bail, the likelihood of petitioner fleeing from the process of justice by not appearing in the Court and overawing complainant/related witnesses cannot be ruled out. Dismissal of the application has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. Factual aspects of the case have been highlighted in para 2 of the order. In view of the submissions advanced by learned State counsel but without advertng to the merits of the case, lest it may prejudice the trial, this Court is of the opinion that no case for grant of bail in favour of the petitioner is made out at this stage. Insofar as the contention raised by learned counsel for the petitioner is concerned as regards non-conducting of T.I.P. (Test Identification Parade) of petitioner is concerned, that is the matter which would be adjudicated upon by the trial Court only after parties lead their respective evidence.

The present petition accordingly stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

18.02.2026
Parveen kumar

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