



CRM-M-59724-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59724-2025 (O&M)
Decided on : 23.04.2026

Mujahid

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Tanya Vashist, Advocate for
Mr. S.S. Nain, Advocate
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, Addl. A.G. Haryana

Mr. P.R. Yadav, Advocate
for the complainant

SANJAY VASHISTH, J. (Oral)

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 petitioner, during the pendency of trial, who has 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
Mujahid, aged 38 years	521	30.10.2022	302, 34 and 120-B IPC and Sections 27(1), 29(1)(b) of Arms Act, 1959	Palam Vihar	Gurugram

2. FIR in the instant case was registered at the instance of complainant –
Nathuram, which reads as under:

“I Nathuram, son of Shri Nand Kishore Yadav, resident of House No. 1218,



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Sector 21, Gurugram, am a resident of Gurugram. I have two sons-my elder son's name is Dinesh Yadav and my younger son's name is Vikas Yadav. We have a plot bearing No. 465 situated in Sector 22, which is under construction, and the construction work is being carried out by my elder son Dinesh Yadav. The laborers and masons engaged at the site had gone to their homes because of the festival of Chhath Puja, and one mason Jogender Mochi S/o Baleshwar, resident of village Nimai, Police Station Shekhupur Sarai, District Sikandarpur Sarai (Bihar). whose mobile number is 7065127361, was working at the plot, on 29-10-2022 my son Dharmesh was told by the mason that he could not stay alone at the plot at night. On hearing this, I told my son Mahesh to go in the evening to plot No. 465, Sector 22, and stay there with the mason for the night. Accordingly, my son Mahesh went to the under-construction plot, and I sent the dinner for my son and the mason from my home, In the night of 29/30- 10-2022, at about 1.30 A.M., our contractor Kalu Ram (mobile number 8882502829) called on my mobile and told me that someone had shot Mahesh. On receiving this information I reached Plot No. 465, Sector 22, and saw that my son Mahesh had two bullet injuries on his head. I informed my relatives. The mason Jogender Mochi told me that he and Mahesh were sleeping on separate bed, suddenly he heard the sound of gunfire, so he picked up his torch and looked and saw two boys running away. He saw that they sat in a white Swift car and fled away. He then came back and tried to wake Mahesh, but blood was flowing from his head. He thereafter informed the contractor about this incident. Some unknown persons came to my plot and shot my son Mahesh dead. Strict legal action should be taken against those who fired bullets at my son and murdered him"

3. As per FIR, incident took place during night of 29/30.10.2022 at about 1.30 a.m. In FIR, it also come out that mason Jogender Mochi in the light of torch had seen two boys, while they were running away. During investigation direct involvement of other four accused (i) Neetu Yadav (ii) Sohail Khan, (iii) Bablu Khan and (iv) Mohmmadin was found and, accordingly, they were challaned by the police. Though, the petitioner was also involved as accused during investigation but there being no substantive role against him, was never arrested by the police. Other four co-accused were convicted and sentenced by the Court of learned Additional Sessions Judge, Gurugram (trial Court) vide its judgment dated

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02.04.2026. When petitioner was arrested though during investigation, allegation against the petitioner was that he had supplied two country made pistols and six cartridges to co-accused Bablu Khan, who allegedly is involved in murdering of son of the complainant.

4. The prime contention of learned counsel for the petitioner is that the allegation qua petitioner is not there in FIR because petitioner was named as accused with the aforementioned allegation only on the basis of disclosure statement of co-accused Bablu Khan. Further argues that merely by supplying of the weapons it can not be termed that petitioner was having any conspiracy to cause murder of son of the complainant. Therefore, in all probability allegations of having possession of the weapons and selling it illegally or transferring illegally to some other persons for the purpose of committing crime can be established, with the help of some substantive evidence only.

5. On the other hand, learned State counsel and learned counsel for the complainant opposed the prayer for bail, submitting that the petitioner and Bablu Khan were known to each other as they both belong to the same village, therefore, conspiracy between the two can not be ruled out, though during investigation, no such substantive evidence highlighting the offence being conspired by the petitioner by playing any active role is pointed out. However, involvement of petitioner is based upon the reason that initially he had supplied two pistols to Bablu Khan and one which was not used in the crime was later returned by Bablu Khan to the petitioner, therefore, on the aforementioned premises petitioner was made accused in the present case.

6. Heard learned counsel for the parties and perused the material available on record.

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7. Although all other accused have been convicted for the role played by them in the committal of crime of murder, yet, it is still to be established by the prosecution that alleged two pistols were ever supplied by the petitioner to convict Bablu Khan and that too with the knowledge of committing murder of son of the complainant. *Prima facie*, it appears that merely by supplying of weapon, which in its natural courses is meant to harm the human life, can not be termed as a weapon handed over for committing offence of any particular person, unless the evidence in that regard has already been adduced regarding the conspiracy of the supplier to the accused, who has received the weapon from the supplier. Even the allegation of returning of the weapon after the crime would be followed by firstly proving that the weapons which were used by the accused persons in firing shots were infact handed over by the petitioner to them. Petitioner is inside jail since 19.02.2025 and out of total 41 prosecution witnesses, only 07 prosecution witnesses have been examined till date. Thus, considering the nature of allegations, total incarceration period inside jail and also the slow pace of the trial, I do not find any substantial reason to continue the petitioner in detention any longer inside jail. Moreover, the petitioner is not accused in any other case, thus, this Court is of the view that the matter warrants consideration for grant of regular bail.

8. Considering the aspects and circumstances, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his 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.

However, it is clarified that in case in any manner concession of bail

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is found to be misused by the petitioner, immediately the application for cancellation of present bail order would be moved by the prosecution with some substance in it.

9. 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.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands disposed of.

12. Pending application(s), if any, shall stands disposed of accordingly.

April 23, 2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

**(SANJAY VASHISTH)
JUDGE**