

2026.PHHC.048486



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

138+272

Date of decision: 27.03.2026

1. CRM-M-59753-2025
NAJMA V/S STATE OF HARYANA FARUKH ABDULLAH
2. CRM-M-8670-2026
MOHD. HAFIZ @ MOHMMAD HAFIZ V/S STATE OF HARYANA
3. CRM-M-8845-2026
NASIR V/S STATE OF HARYANA
4. CRM-M-9067-2026
YUSUF V/S STATE OF HARYANA
5. CRM-M-9107-2026
LIYAKAT V/S STATE OF HARYANA
6. CRM-M-9116-2026
SAHIM V/S STATE OF HARYANA
7. CRM-M-10944-2026
RIHAN AND ANOTHER V/S STATE OF HARYANA
8. CRM-M-11716-2026
JAHUL KHAN V/S STATE OF HARYANA
9. CRM-M-13061-2026
SHOKIN V/S STATE OF HARYANA
10. CRM-M-13479-2026
AKHLAK V/S STATE OF HARYANA
11. CRM-M-1289-2026
NAAIMA ALIAS NAIMA V/S STATE OF HARYANA
12. CRM-M-542-2026
SAHINA V/S STATE OF HARYANA
13. CRM-M-12639-2026
FAKRUDDIN V/S STATE OF HARYANA

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gopal Sharma, Advocate, Mr. Manoj Tanwar, Advocate,
Ms. Palak Jain, Advocate, Mr. Prabhat Sharma, Advocate,
Mr. Munfaid Khan, Advocate, Mr. Farukh Abdullah, Advocate,
Mr. Saleem Ahmed, Advocate, Mr. Sarfraj A. Mor, Advocate
for the petitioners.

Mr. BS Saroha, DAG, Haryana
and Mr. Amrik Narwal, DAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. The present petitions filed under Section 483 of BNSS 2023 for grant

of regular bail to the petitioners in case FIR No.149 dated 27.09.2025, registered under Sections 191(3), 190, 115(2), 121(1), 132, 221, 109(1), 324 BNS (later on added Section 118(1) BNS), Section 25 of Arms Act & Section 3 of Prevention of Damage to Public Property Act, 1984, at Police Station Bichhore, District Nuh.

2. Learned counsel submits that the petitioners have been in custody for 5-6 months. The allegations of having fired shots at the police party were against main accused Azad against whom it is stated that there are about 6 cases, out of which, 4 are in Haryana and the raid was conducted to arrest him. He, however, is at large. Petitioner-Sahina as per the report of Medical Board, dated 30.10.2025, Annexure P11, constituted under orders of the Illaqa Magistrate dated 01.10.2025, has been opined by 9 doctors to have suffered permanent bilateral sensorineural hearing loss, which learned counsel appearing for her, states was on account of injuries suffered at the hands of the police party, she being wife of co-accused Azad and one Najma also suffered displaced fracture of left distal ulna. There is no specific role attributed to the petitioners with regard to firing at police but for having allegedly pelted stones. Challan has been presented on 05.12.2025, charges have not been framed and in all there are 32 PWs. They are not involved in any other case but for petitioner-Akhilak who is in one. Reliance for him is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel has filed status reports, which are taken on record and opposes on the ground that the petitioners had actively participated in the commission of offence being part of unlawful assembly. However, he is unable to controvert the submissions with regard to custody, stage, petitioners (except Akhlak) being not involved in any other case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

6. Considering the facts and circumstances of the cases, in particular that the petitioners are in custody for last 5-6 months; not involved in any other case (except one case against petitioner-Akhilak); challan was presented on 05.12.2025, charges are yet to be framed and there are total 32 PWs, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petitions are allowed.

7. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.

- (vii) The petitioners shall furnish their addresses and mobile numbers by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.
9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.
10. Photocopy of this order be placed on the connected files.

27.03.2026

ashok

Whether speaking/reasoned

Whether reportable

:

:

(AMAN CHAUDHARY)

JUDGE

Yes/No

Yes/No