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

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CRM-M-69589-2025 (O&M)
Date of decision: 23.02.2026

Abdulla @ Rahul**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ankit Yadav, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Reetesh Kumar, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 259 dated 23.07.2023, registered under Sections 323, 324, 34 and 506 of IPC (Section 307 of IPC added later on) at Police Station Ballabhgarh Sadar, District Faridabad.

2. The aforementioned FIR was registered on the basis of a written complaint lodged by the complainant Rijwan alleging therein that he was running a meat shop where he and his brother-in-law Mustaqeem used to work together. On 21.07.2023, the complainant had gone from his shop to ease himself, whereas Mustaqeem was present at the shop. At that time, the present petitioner along with co-accused Shahrukh reached there in an auto-rickshaw. The complainant saw them while rushing towards his shop and

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thereafter, they ran away. He rushed to his shop and found his brother-in-law Mustaqeem lying there in an injured condition. He disclosed that the petitioner had caught hold of Mustaqeem, whereas co-accused Shahrukh had inflicted knife blows on his neck and thereafter both fled away. The victim was rushed to the hospital for treatment. The motive attributed to the petitioner and the co-accused was that the brother of co-accused Shahrukh had eloped with a girl and his whereabouts had been disclosed by victim Mustaqeem to the police, due to which co-accused Shahrukh was offended with him. The petitioner was arrested on 18.01.2025. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 18.01.2025. He is not required for further investigation. The injury on the person of the victim has not been attributed to him. He has been in custody for a long time. The trial would take considerable time to conclude. No useful purpose would be served by detaining him in custody any further. Even otherwise, a compromise has been arrived at between the petitioner and the victim. The victim as well as the complainant have executed a written compromise in favour of the petitioner. With these submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature as in furtherance of their common intention, the petitioner and the co-accused, by conniving with each other, assaulted the victim Mustaqeem by inflicting knife blows, thereby making

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an attempt to kill him. The victim and other material witnesses are yet to be examined. There are chances of the petitioner's intimidating the witnesses or committing similar offences, if extended the benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. Learned counsel for the complainant has submitted that he has no objection if the present petition is allowed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to have caught hold of the victim Mustaqeem on the fateful day i.e. on 21.07.2023, whereas the co-accused assaulted him with a knife, thereby causing serious injuries to the victim. The investigation stands concluded. The trial will take considerable time to conclude as no prosecution witness has been examined so far. The petitioner has placed on record Annexure P-3, which is a compromise deed stated to have been executed between the petitioner, victim Mustaqeem and the complainant Rijwan. No conclusion can be drawn regarding the genuineness of this compromise at this stage as the same is a matter of evidence. The allegations do indicate the complicity of the petitioner in the commission of the offences. However, he has been in custody since 18.01.2025. The investigation stands concluded and there are no chances of conclusion of the trial in the near future. His further pre-trial incarceration is not going to serve any fruitful purpose. It is a well-settled proposition of law that pre-trial incarceration should not become a replica of post-conviction sentencing and that bail is the rule while jail is an exception. The antecedents of the petitioner are clean. Taking into consideration the above-discussed facts, the role attributed to the petitioner, the nature of allegations and the attendant

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facts and circumstances, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No