



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-71338-2025
Decided on : 08.04.2026

Shamayudeen and another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vinay Bajaj, Advocate
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, Addl. AG, Haryana
assisted by ASI Jitender.

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 petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shamayudeen, and Mohammad Kamran	314	29.07.2025	309(6), 3(5) of BNS, 2023 [238, 311 of BNS, 023, add later on]	Kherki Daula	Gurugram

2. FIR in the present case was got registered by the complainant – Amit Chopra, which reads as under:-

“ It is requested that I, Amit Chopra son of Sh. Birbal, am resident of 8/212, Khichripur, Delhi 91 and I run my own Taxi Car Swift Dzire, which I run for commutation of passengers and with Uber Ola Company. On 29.07.2025 in the morning at about 4:30 AM, I was standing with my Taxi Car No. DL1ZC3121 Swift Dzire at Anand Vihar Railway Station. Three boys came to me and said, "we want to go to Sector 89, Manesar, Gurugram, would you go with taxi, on which I got ready for it. Out of these three boys one sit on the front seat and two other boys sit on the back seat. We went for Manesar. Thereafter, all three boys kept me roam some



time Vatika or some time here and there. When I asked from these three boys that where do you want to go then they said that let's go to Sector 85. These boys took me to Sector 85 near Sati Chowk and asked me to go towards Dwarka from Sati Chowk, I started to go, when I go about 500 meters towards Dwarka from Sati Chowk then they asked to stop the vehicle. As soon as I stopped the vehicle then out of two boys sitting behind caught hold me and one took out a knife and hit me on my neck and the boy sitting on the front seat also started beating me. I got injured due to knife injury on my neck. To save myself I hold knife with my right hand, on which my thumb and finger of right hand also cut with knife and thereafter, again gave blow of knife upon me then knife hit thumb of my left hand. Thereafter, all three boys said that take out his money and phone and threw them out of the vehicle and take away the vehicle by robbing it. They robbed my mobile phone Motorola, having SIM No. 9990400386, from me and all three boys started throwing me out of the car. Thereafter, I pick up a small iron rod kept near to driver seat and tried to hit them to save myself then rod hit on the knife held by one boy and knife fell out of the vehicle and I raised alarm loudly save me-save me. Then all three boys ran away from the spot and took away my mobile phone. Thereafter, I made a phone call to police station and police vehicle came and got me admitted in ARYU Hospital for treatment. Legal action should be taken against the said boys. Sd/- Amit Chopra 9910848704.”

3. Learned counsel for the petitioner submits that the names and identifying features of the accused persons are completely absent in the FIR. It is further submitted that the complainant – Amit Chopra has already been examined before the learned trial Court on 06.04.2026, wherein he has not supported the case of the prosecution and has categorically stated that;

“I do not know the accused persons who are present in the Court through VC. They never caused any injury to me and never looted my mobile phone.

At this stage, learned PP requested that since this witness is suppressing the truth therefore witness may be declared hostile and he may be allowed to be cross-examined by him. Heard. Allowed.

Cxxxxxx by learned PP.”

Thus, by placing on record the certified copy of the statement of complainant – Amit Chopra (PW1), and in view of the aforesaid factual position, learned counsel for the petitioner prays for grant of concession of



regular bail.

4. On the other hand, learned State counsel, who has also perused the statement of the complainant, does not dispute the factual position as argued by learned counsel for the petitioner.

On a further query put by this Court, learned State counsel, on instructions from ASI Jitender and as per the Pairvi report, submits that none of the petitioners are involved in any other criminal case.

5. I have heard learned counsel for parties and gone through record with their able assistance.

6. Both the petitioners are inside the jail since 30.07.2025, i.e., for a period of more than 08 months. It is also a matter of record that the material witness, namely PW1 – Amit Chopra (complainant), has already been examined and has not supported the case of the prosecution.

It is further noticed that out of total 17 prosecution witnesses, several witnesses are yet to be examined and the trial is not progressing at the desired pace. In view of the fact that the complainant himself has not supported the prosecution case, despite being the victim of the alleged occurrence, there appears to be no justification to keep the petitioners inside the jail for an indefinite period.

7. Therefore, considering the overall facts and circumstances, and without commenting upon the merits of the case, this Court is of the considered view that the liberty of the petitioners cannot be curtailed indefinitely in the absence of any incriminating material. Thus, this Court deems it appropriate to extend the concession of regular bail to the petitioners.



Consequently, prayer made in the present petition is **allowed**.

Petitioners are ordered to be released on bail, subject to their 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.

8. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 08, 2026
J.Ram

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