



CRM-M-73625-2025

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

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CRM-M-73625-2025

Mufeed @ Muffi

...Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 12.02.2026**Date of Uploading : 12.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Munfaid Khan, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.243 dated 29.09.2024, registered for the offences punishable under Sections 191(2), 191(3), 115(1), 118(1), 351(3), 109 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Nagina, District Nuh.

2. The gravamen of the FIR in question is that the cousin brother of the complainant namely Noman was constructing a house on ancestral land that had not yet been officially divided among the family members. He was also taking possession of the said land. On 27.09.2024 at about 09:00 AM, the complainant and his father went there to speak with Noman. When they reached the spot, the accused persons Mufeed (petitioner herein), Aakil, Khalid, Mosim, Naseem, Saddiq, Sahid, Jaim, Munfed, Khurshid, Haikam, Noman and Rumana were already present. They were carrying weapons such as lathis (sticks), dandas, farsa (sharp edged weapon) and iron rods. As soon as the complainant and his father arrived, the accused



attacked them. Accused Mohsim hit the complainant on the head with a farsa. Accused Jaikam and Sahim struck the complainant on his left hand with lathis. Accused Haikam handed over an iron rod to her son Mufeed and said that the complainant should be killed. Accused Mufeed then hit Yusuf (the father of the complainant) on the head with the iron rod. Accused Aakil struck Yusuf on his left thigh with an iron rod and accused Khalid hit him on his right knee. Accused Naseem and Noman also hit Yusuf on his left knee with lathis. On hearing the noise, Sameena, the wife of the complainant came to the spot. Rumana, wife of accused Noman struck Sameena on her left hand with a khod. Accused Munfed and Khurshid also arrived and threatened and encouraged others to kill the complainant and his father. All the accused persons beat the complainant and his father. After some time, Lakman and other villagers came there and rescued them. Before leaving the scene of occurrence, the accused persons issued threats to the complainant in case he trespassed into their land again. Based on these set of allegations, the instant FIR was got registered and investigation ensued. The petitioner is stated to be arrested on 06.02.2025 and has been in judicial custody since then.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 06.02.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that as many as 13 accused were named in the FIR but the Police chose to file challan only against the present petitioner. Learned counsel has further submitted that the injured has been discharged from the hospital long ago. According to learned counsel, the injured witness (PW-Yusuf) is not repeatedly turning up for having his



testimony recorded and the trial is thus procrastinating. Furthermore, the petitioner is a man aged 30 years with clean antecedents and is the sole bread earner of his family. On the strength of these submissions, the grant of regular bail is entreated for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 12.01.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 06.02.2025, whereinafter, the investigation was carried out and the challan has been presented on 05.05.2025. Total 16 prosecution witnesses have been cited, out of which, only 03 have been examined till date. It appears from the orders dated 26.09.2025, 14.10.2025 and 06.11.2025 passed by the learned trial Court that the PW-Yusuf (injured) is not repeatedly coming forward to have his testimony recorded.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the



manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. *If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.*

20. *We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.*

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2. As per custody certificate dated 12.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 11 months and 06 days, & is not shown to be involved in any other FIR(s).

6.3. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn on 08.09.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially the factum of the petitioner having suffered extended incarceration for another approximately 04½ months & pace of trial; this Court is inclined to affirmatively consider the



judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.



- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 12, 2026
Ajay