



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

235-3

CRM-M-14897-2026

Date of decision : 21.04.2026

Date of uploading : 21.04.2026

Waseem Alias Waseem Akram And Another Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present 2nd petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioners in case FIR No.252 dated 11.07.2025 under Sections 191(3), 190, 115, 118(1), 140(3), 281, 125, 324(4) of BNS and Section 25 of Arms Act and Sections 117(4), 140(4), 351 of BNS and Sections 54 and 59 of Arms Act added later on, registered at Police Station Sadar Nuh, District Nuh.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*"To, The Incharge of Police Post Nalhad Police Station Sadar Nuh, District Nuh.
Subject: Application for registration of FIR and to effect the arrest of accused.
Sir, it is requested that the applicant Abdul Hafiz son of Jameel Ahmed is resident of village Palla Police Station Sadar Nuh District Nuh. I have opened an Islamic Madrasa in village Palla to give religious education to girls. We have fixed the time for children to study in our madrasa at 5:30 in the morning. Children of Arif son Sumeri resident of village Palla pursuing at here, who often come late. On 06.07.2025, at around 5:30 am, the main gate of the madrasa was closed and the children who came late were prevented from entering the madrasa so that the rules could be followed. After that at 6:38 am, accused Arif along with*



5-7 other goons type persons came to the Madrasa on Apache motorcycle and a red colour Swift car. All of them were carrying lathies, iron rods and other weapons. Arif jumped over the main gate of the Madrasa and entered inside. Immediately Arif attacked me at the head with the lathie in his hand with the intention of killing me. I saved my head with great difficulty by bending down. The lathie hit at my wrist. Then he gave blow on my neck with another lathie and kicked me in the stomach and hit my chest with the lathie. He kidnapped me and was forcibly taking me with him. He was loudly saying that he will bring me at his home and will tie me at there and will kill me. He was giving abuses to me and threatening to kill me. When my elderly father tried to save me, the accused also given beatings to him. Upon hearing the noise, the women folk of our house, my wife Sabila and my brother Arshad rushed to save me. The accused abused the women of our house with obscene and dirty words and given beatings to them. They have misbehaved with them and insulted them. The other accused also started attacking the main gate of the madrasa from outside with lathies and iron rods and forcefully opened the door of the madrasa and came inside. After entering, they given beatings to my family members and tried to kill them. They also threatened to kill me in the future and pushed me and given beatings to the women with lathies. However, I have saved my life. My family members prevented them from kidnaping me. Arif and other accused have caused damage to the door of Madrassa with lathies and danda. The video of giving beatings and voice has been recorded in the CCTV camera. After that my family members brought me to Civil Hospital Nuh for treatment. From where I was referred to Medical College Nahad. Upon receiving the information of the above occurrence, my elder brother Qari Mehboob reached in the madrasa 07.07.2025 at around 3:00 pm, my elder brother Qari Mehboob from Delhi. Today on son of Shri Jameel was going to police station Sadar Nuh while sitting behind motorcycle of his friend Muqeem son Murad resident of village Sadai. When they reached near the house of Director of Waqf Engineering College, the accused Sumeri, Arif and Wasim sons Sumeri, Asif Rahis son of Arif and other 7-8 people were already waiting there on a motorcycle and camper. They hit the motorcycle with camper and consequently they fell down. Then given severe beatings to Qari Mehboob with lathies and iron rods and kidnapped him at the gun point of a kata. They have given threat that they will teach lesson for lodging complaint before the police and he will be killed. They have given severe beatings to Mehboob. They deemed him as death and thrown him in the fields. Mukim and other persons have given information to us on the phone. Upon receipt of information, Sohail a family member was coming on the Eco car towards place of occurrence. While on the way, his car was damaged by hitting the camber. Our relative Rahis son of Aslam resident of Sigar was also coming from Madrasa towards place of occurrence. He was stopped on the way and he was given severe beatings. The accused got an amount of Rs. 22000/- from the pocket of Mehboob and ran way. They have also forcibly snatched the silver chain from the neck of Rahis. We have admitted Qari Mehboob in Civil Hospital Nuh. After gaining conscious, Qari Mehboob and others will state about their injuries. We have apprehension of danger from the hands of accused. They can commit any heinous crime. The accused are permanent residents of village Palla and they are goon type persons. Many FIRs have been registered against them. We have come from Village Bhirpur Tehsil Hathin and are residing in village Palla. We have apprehension of some untoward incident with the students pursuing study in the Madrassa. The above said accused are committing heinous offence. I alongwith my family and children and students of Madrassa have apprehension of danger. The accused intends to kill us. It is requested that FIR be registered and strict legal action be taken. The other accused be ascertained and our life and liberty be protected.”

3. Learned counsel for the petitioners has argued that the petitioners have been in custody since 30.09.2025. Learned counsel has further contended that the petitioners have been falsely implicated in the FIR in question. It has also been submitted that the prime prosecution



witnesses have turned hostile, and thus the trial is not likely to culminate in conviction. Learned counsel has further reiterated that the petitioners have suffered incarceration for more than six months. Accordingly, regular bail is prayed for.

4. Learned State counsel has filed reply by way of an affidavit dated 20.04.2026, in the Court today, which is taken on record. Copy thereof has been furnished to learned counsel for the petitioners. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 19.04.2026 in Court, which is taken on record.

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

6. The petitioners were arrested on 30.09.2025. After the investigation was carried out, the challan *qua* the petitioner stands presented on 28.11.2025. Total 20 prosecution witnesses have been cited, out of which only 5 have been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The rival contentions; including the veracity/weightage required to be attached to the testimony of the hostile witnesses; 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 petitioners absconding from the process of justice or interfering with the prosecution evidence.



6.1 As per the custody certificate dated 19.04.2026 filed by learned State counsel, the petitioners have already suffered incarceration for a period of 6 months and 20 days, & are shown to be involved in other FIR(s). As per the said custody certificate, the petitioners are stated to be involved in more cases. Indubitably, the antecedents of a person are required to be taken into account while considering a regular bail petition preferred by them. However, this factum cannot, by itself, be a sufficient ground to decline the concession of regular bail to the petitioners in the FIR in question when a case is otherwise made out for the grant of regular bail qua the said FIR upon ratiocination of its facts and circumstances. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 10.03.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a 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 petitioners as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of the above, the present petition is allowed. The petitioners are ordered to be released on regular bail, if not required in any other case, upon furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to the conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not misuse the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial Court.



- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passports, if any, with the trial Court.
- (vi) The petitioners shall provide their cellphone numbers to the Investigating Officer/SHO of the concerned Police Station and shall not change their cellphone numbers without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners 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. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

21.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No