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

280

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Date of decision: 20th April, 2026

Mohd. Arif

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Talim Hussain, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 467 dated 07.11.2022 registered under Sections 148, 149, 307, 323, 427, 506 and 201 of IPC and Section 25 of Arms Act, 1959 at Police Station Punhana, District Nuh.

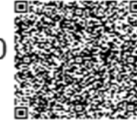
2. The aforementioned FIR was registered on the basis of written statement submitted by the complainant Sahun, alleging that in the morning of 02.11.2022, he had gone to cast vote when the petitioner accompanied by the co-accused had reached there being armed with weapons. Accused Mubarik had fired a shot towards him, and the pellets had injured his right leg. Thereafter, the petitioner and co-accused Aakil, Mosam and Sabir also fired shots with some illegal weapons. The accused Wasim and Musharraf were



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giving cartridges to them at that time. Apart from the complainant, Islamuddin, Arshad and Nasir also sustained injuries. The petitioner and other accused also damaged a nearby shop and looted one LCD, gas cylinder, grocery items and cash amount of Rs. 2500/- kept in the same. They had damaged a Boleno vehicle lying parked there and after proclaiming that whosoever comes to cast vote in that booth would be killed, thereafter, they fled away. The injured were taken to hospital for treatment. Initially, a case under Sections 148, 323, 504 and 506 read with Section 149 of IPC and Section 25 of Arms Act was registered. Investigation proceedings were initiated. The petitioner could not be arrested. Proceedings for declaring him as proclaimed offender were ultimately initiated and he was declared to be so. However, he was arrested on 04.12.2025. Investigation qua him now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 05 days in reporting the matter to the police which has not been explained by the complainant party. It is a case of version and cross version as on the basis of a complaint lodged by the members of his party, FIR No. 475 dated 08.11.2022 was registered at the same police station as a cross case. The accused Mubarik who was alleged to be the main culprit already stands exonerated. A compromise has been arrived at between the parties and a written compromise has been executed on 20.02.2026. Co-accused Shokin, Habib, Juber, Arsad, Yasir and Sahid Afridi were extended benefit of anticipatory bail. The trial will take considerable time to conclude as no witness out of 41 prosecution witnesses has been



examined so far. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner who by forming unlawful assembly with the co-accused had opened attack upon the victim Sirajuddin, Ajruddin, Wasim Akram and Nasib and had caused injuries to them. He had absconded and was even declared a proclaimed offender. There are chances of his absconding again, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have fired a shot with some country made pistol upon the complainant and the pellets of the same are alleged to have caused hurt to him. The allegations make out a *prima facie* case for commission of the subject offences as against the petitioner. However, he has been in custody since 04.12.2025. He is not required for further investigation as challan stands presented. There are no chances of conclusion of trial in near future. His continued detention is not going to serve any useful purpose. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during



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the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th April, 2026

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No