



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

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**CRM-M No.59440 of 2025 (O&M)
Date of Decision: 26.02.2026**

Samim @ Sammi

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Kunal Dawar, Sr. Advocate with
Mr. Vipul Sharma, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Ankit Yadav, Advocate for the victim-complainant.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.201 dated 22.11.2023, for the commission of offence punishable under Sections 302, 365 and 34 of Indian Penal Code, Police Station Utawar, District Palwal.

2. Briefly sating the facts emerging from record are that the FIR of this case came into being a the instance of 'Jubair', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that his sister 'Rukhsina' was married to 'Islam' resident of village Malai, but due to poor condition of her husband, the accused-petitioner 'Samim @ Sammi' being influential person of the area, forced the sister of the complainant to stay with him. As per complainant when his sister resisted the above mentioned act



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of 'Samim @ Sammi', hereinafter being referred to as 'petitioner' only. On 09.12.2022 the petitioner along with 'Jubair' son of 'Summa', 'Samun' son of 'Abdul' and two other accused abducted his sister, raped her for several days. As per complainant in view of above the mother of the complainant had filed a complaint in the Police Station Utawar but no action was taken. According to complainant in view of above the abovesaid persons hatched a conspiracy to kill 'Rukhsina', and executed their plan.

3. It is the case of the prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation was taken up. According to prosecution during the course of investigation the petitioner was arrested.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that a false case has been planted upon the petitioner who is innocent, having no nexus whatsoever with the commission of crime. According to learned counsel for the petitioner in fact the CCTV footage being relied upon by the prosecution itself shows that the deceased was got admitted in the hospital, where the petitioner stayed for more 40-45 minutes. As per learned counsel for the petitioner had there been any intention on the part of petitioner to kill the victim, he would have never got her admitted in the hospital, nor he would have taken care of her for more than 45 minutes. According to learned counsel for the petitioner the above mentioned conduct of the petitioner supports the



claim of the petitioner that death of victim had taken place due to injuries inflicted on her person by her husband 'Islam'.

7. In addition to above, it has also been contended by leaned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for a period of more than two years and three months, and that nothing has been left to be recovered from the possession of petitioner and that the trial is taking place at a very slow pace, as out of eighteen prosecution witnesses only three have been examined. It has also been contended by learned counsel for the petitioner that in the present case three witnesses have already been examined by the prosecution and all of them have not supported the prosecution case.

8. The above mentioned arguments have been controverted by learned State counsel. It has been contended by learned State counsel that the petitioner being influential person has already been successful in winning over the independent witnesses and that, if released on bail the petitioner will not allow other witnesses to depose against him in the Court.

9. In addition to above, the learned State counsel has also contented that the offence committed by the petitioner is heinous in nature as a lady was first abducted and then killed by the petitioner. It has also been contended by learned State counsel that the petitioner has a long history and that his conduct can be judged from the fact that on three occasions, while facing trial in other cases, he was even declared proclaimed offender and three FIR under Section 174-A IPC were filed against him.

10. The record has been perused carefully.



11. A perusal of record shows that in the present case, at the very outset, it is relevant to mention here that the conduct of the petitioner is of utmost relevance. A perusal of custody certificate shows that in addition to present case, the petitioner is facing trial in seven other cases also and amongst the above mentioned seven cases there are three cases under Sections 174-A IPC which shows that the petitioner had been declared a proclaimed offender in three different cases. The above mentioned conduct of the petitioner in itself speaks in volumes against him.

12. In the present case it is also relevant to note that the allegations against the petitioner are quite serious as it has been alleged by the complainant that by taking advantage of his dominating position in the society, he forcibly took sister of the complainant, who was a married woman, having six children, and compelled her to live with him (petitioner), and when she resisted the above mentioned act of the petitioner she was killed. Thus, the heinous nature of the crime committed by the petitioner also speaks in volume against him.

13. The third relevant aspect to be taken into consideration is that three witnesses have already been won over by the petitioner and they have not supported the prosecution case during the course of trial. The above mentioned fact supports the claim of learned State counsel that on release on bail, the petitioner is likely to influence the witnesses.

14. If all the above mentioned factors are considered conjointly, it leads to a conclusion that instant case is not a case wherein simply by taking into consideration the period of long incarceration, the benefit of bail should be



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accorded to the petitioner. Rather in view of extraordinary situation prevailing in the present case, it is hereby held that act and conduct of the petitioner renders him ineligible for the benefit of bail.

15. As a sequel to above observations, it is hereby held that the present petition is devoid of merit and deserve dismissal. Hence the same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

26.02.2026

Manoj Bhutani

Whether speaking/reasoned Yes/No
Whether reportable Yes/No