

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

CNR No: PHHC010534332026

2026:PHHC:128880



112

CRM-M-18308-2026 (O&M)

Date of decision: 11.09.2026

Date of uploading: 11.09.2026

Ankit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Mehak Sawhney, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Ashish Yadav, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of BNSS, 2023 on behalf of the petitioner to secure regular bail in case bearing FIR No. 257 dated 12.08.2024 registered for the offences punishable under Sections 302 & 34 IPC, at Police Station Pataudi, District Gurugram.

1.1. The FIR in question pertains to murder of one Pawan.

2. Learned counsel appearing for the petitioner has urged that the petitioner is in custody since 13.08.2024. Learned counsel appearing for the petitioner has further urged that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further urged that the case in hand is not one of eye-witness account. Learned counsel appearing for the petitioner has further urged that on the intervening night of 09/10.08.2024, the

police was informed that some strange person had entered into the house of Rajesh, whereupon the police has also come forward, which reflects that the petitioner and co-accused Rajesh were not trying to hide anything from the police. Learned counsel appearing for the petitioner has further urged that the petitioner is sought to be implicated into the FIR in question, primarily on the basis of the statement of the brother of the deceased namely Rahul, who stated that he was told by his brother (deceased Pawan) while being shifted from one hospital to another in Ambulance that the petitioner was responsible for brutal attack committed upon him. Learned counsel appearing for the petitioner has further urged that the PW-Rahul was partly examined, whereinafter an application under Section 358 of BNSS 2023 (erstwhile Section 319 Cr.P.C) has been filed, which was allowed & two more accused have been summoned, which, thus, has resulted in further delay in culmination of trial. It has been further argued that mobile phone recording being relied upon by the prosecution does not clearly show that the face of the petitioner is clearly visible. Learned counsel appearing for the petitioner has further urged that the petitioner has already suffered incarceration for a period of more than 2 years. Thus, regular bail is prayed for.

3. State has filed status report dated 06.05.2026. Raising submissions in tandem with the said status report, learned State counsel has urged that the petitioner was actively involved/responsible for the murder of the deceased-Pawan and there is clinching evidence in the form of a mobile phone video recording available against the petitioner. Learned State counsel has further urged that the petitioner is involved in one more case registered

under Section 323/506 IPC. Learned State counsel seeks to place on record custody certificate dated 20.08.2026 in Court, which is taken on record.

3.1. *Per contra*, learned counsel appearing for the FIR-complainant has submitted that the allegations against the petitioner are direct in nature and that there is a specific role attributed to the him. He has further submitted that the deceased himself, while being shifted from one hospital to another, had specifically told his brother (FIR-complainant) that the petitioner was responsible for the brutal attack committed upon him. It has also been submitted that the murder of the deceased was committed in a brutal manner, whereby as many as 18 injuries were found present on the body of the deceased. Learned counsel has further pointed out that the blood-stained iron rod in question, used in the commission of the offence, has been recovered from the house of the petitioner. Thus, dismissal of the petition in hand is entreated for.

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

5. The petitioner was arrested on 13.08.2024. Upon culmination of investigation, challan *qua* the petitioner was presented on 04.11.2024. It is the conceded position before this Court that out of total 27 cited witnesses only one has been partly examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof 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.”

Keeping in view the entirety of the factual *milieu* of the case in hand; especially the factum of the case in hand not being one of eye-witness account, the nature of allegations/role attributed to the petitioner, as also kind of evidence available against the petitioner, the petitioner already having suffered incarceration for more than 2 years and the trial proceeding at a glacial pace & same not being likely to culminate in the near future; this Court is inclined to extend the concession off regular bail.

The rival contentions raised at the 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. Further, as per custody certificate dated 20.08.2026 filed by learned State counsel, the petitioner is stated to have suffered incarceration for a period of 2 years & 8 days and is state to be involved in one more FIR/case. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. 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***.

6.1. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-57653-2025 was dismissed as withdrawn on 17.10.2025 (Annexure P-8), wherein the following order was passed:

“Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.257 dated 12.08.2024, registered for the offences punishable under Sections 103(1) and 3(5) of the BNS, 2023, at Police Station Pataudi Gurugram, District Gurugram.

2. Faced with the situation that PW-Rahul (to whom the deceased is alleged to have made statement before his death regarding culpability of the present petitioner) is yet to be examined as

prosecution witness, learned counsel for the petitioner seeks to withdraw the petition in hand at this stage. She however, submits that trial Court be directed to expeditiously record the statement of aforesaid PW-Rahul.

3. Ordered accordingly.

4. Pending application(s), if any, shall also stands disposed off.”

However, keeping in view the entirety of facts and circumstance of the case in hand; especially keeping in view the extended custody, glacial pace of trial, testimony of PW-Rahul not having been recorded as an application under Section 358 BNSS 2023 (erstwhile Section 319 Cr.P.C) has been filed; this Court is affirmatively inclined to 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 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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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/Illaq 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 the concerned Trial Court/Duty Magistrate as directed hereinabove, or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for cancellation of the petitioner's bail.

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 stand disposed of.

(SUMEET GOEL)
JUDGE

11.09.2026

Naveen

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