

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

2026:PHHC:090383



132

CRM-M-21713-2026 (O&M)
Date of decision: 06.07.2026
Date of uploading: 06.07.2026

Dhirender @ Tony

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No. 436 dated 15.11.2024 under Section 140 (3), 308 (7), 61 BNS, 2023 (Sections 364, 389, 120B IPC) (Section 7-A, 13(1)(B), 13(2) of the Prevention of Corruption Act, 1988 added later on), registered at Police Station Sector 27, Sonapat.

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

“To, Police Commissioner, Sonipat. Subject- Application for taking appropriate legal action against Arun Khatri CIA Staff Sector 3 Sonipat Mob. 9034345057, 2. Pandit Dhirender alias Tony son Girdhari Lal resident village Bhadkhalsa District Sonipat Mob. No. 9991039775, 7988870087, 3. Manav Mehta resident My Floor 2 TDI Sonipat Mob. No. 9268159636. 4.

Rajesh STF Sonipat, 5. Computer Operator Private CIA Staff Sector 3 Sonipat. Sir, I, the applicant Satbir son of Shri Ved Prakash, resident of House No. 05-K, Village Badkhalsa District Sonipat, am a peace loving and law abiding person who currently works in agriculture and I request you as follows: It is that on Sunday, 20/10/2024, I was at my home. I have two sons, the elder one's name is Bhushan, age 20 years and the younger one's name is Prince, age 16 years. My elder son studies in Sure 16 Gurukul in Samalkha. He went to meet his friend Manav at his house on the main floor of TDI City at around 9 in the morning in my friend's car Baleno, registration number PB76-0019. As soon as he reached there, my son Bhushan's phone stopped working and after some time it turned on for a few seconds. At that time my son's location was Golden Hut Rai. I immediately went to Golden Hut and checked but found no one there. I searched around on my own and then came back home. By then my friends and relatives came to know about this. So I called 112 from my phone number 9728909744 at around 10 in the morning and told the whole matter. At 10:54 I got a call from Rai police station on number 9416567385, so I went to Rai police station. When I called on the same number, they gave me the number 7419690715 and said that this is your 10, tell him everything, but the 10 was not there. I gave all the details to a police employee sitting there and he sent all the details to 7419690715 and assured me of action. When I, my wife and my acquaintances personally checked the footage around My Floor 2 (Society), we found out that two people forcibly took away my son in a black Scorpio and after about one and a half hours, the black Scorpio came back to My Floor 2 (Society) and demanded thirty lakh rupees from me in front of my acquaintances and later agreed for five lakh rupees. I arranged the money with my acquaintances and after coming home, I gave the money in a red bag to Ravi resident of Village Matindu who kept it in his scooty and went to Sector 3 CIA Staff. After that, I, my wife and my brother went to Sector 3 CIA Staff and Ravi resident Village Matindu gave five lakhs to Pandit Dhirender in Sector 3 CIA Staff and Pandit Dhirender kept that five lakh rupees in Manav's white colour FRONX car. After that, Pandit Dhirender told that I and Manav gave all the money to Rajesh STF in a black Scorpio in Sector 15.

After that, my acquaintance was made to sign on a blank page in Sector 3. CIA. After that, we brought Bhushan age 20 years, at home. After that, my son told me that he was harassed a lot by Police Officer Arun Khatri. Here I was given a 3d degree and was made to urinate on an electric heater and was beaten with a stick and was threatened that if I tell anyone about these things, he will put me in jail in a big case and Inspector Sandeep Kataria CIA Incharge made me sign blank papers. Due to which my son was very scared and frightened. There are CCTV cameras installed at the place from where my son was kidnapped and if investigation is done with the help of call details and location of all these culprits, then the whole incident will be exposed. Pandit Dhirender is still threatening us. Many people are involved in this incident. Justice should be given to me and my son and proper legal action should be taken against the culprits and the money that has been extorted from me by threatening me with a false case and torturing me, should be recovered. Your kindness is most welcome. Date 29-10-24 Applicant Satbir son of Shri Ved Prakash resident of House No. 05-K, Village Badh Khalsa District Sonipat. Mobile No.-9728909744"

3. Learned counsel for the petitioner has argued that the petitioner is in custody since on 20.11.2024. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime private prosecution witnesses namely PW-Satbir (FIR-complainant) as also PW-Bhushan (victim) had turned hostile qua the co-accused namely Arun Khatri & hence the prosecution case stands demolished. He has further argued that, in any case, the above two witnesses (who are the prime prosecution private witnesses) have been examined and, thus, the petitioner is not in position to influence the prosecution evidence. He has further urged that the petitioner has suffered

incarceration for more than 1 year and 7 months. Thus, regular bail is prayed for.

4. State has filed reply dated 11.05.2026. Raising submissions in tandem with the said reply, learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. She seeks to place on record custody certificate dated 03.07.2026, which is taken on record.

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

6. It is not in dispute that the petitioner came to be arrested on 20.11.2024. whereinafter investigation was carried out and challan was presented on 16.01.2025. Total 28 prosecution witnesses have been cited and out of which only 8 have been 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.”

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.

6.1. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-23585-2025 was dismissed as withdrawn on 09.12.2025 (Annexure P-6). However, keeping in view the entirety of facts and circumstance of the case in hand; especially keeping in view the extended custody and pace of trial as also the factum of FIR-complainant as also the victim having been recorded as prosecution witnesses on 16.02.2026 i.e. on a date subsequent to the withdrawal of previous petition; 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.”

Further as per custody certificate filed today, the petitioner has suffered incarceration for a period of 1 year, 7 months and 14 days and is stated to be involved in other cases/FIRs. 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*.

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

7. In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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 cell phone 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 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

July 06, 2026
Naveen

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