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

**CRM-M No.13926 of 2025
Date of Decision: 12.09.2025
Reserved on: 02.09.2025**

Vijay Pal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Nisha Rana, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Rohit Rana, Advocate,
for Mr. Kunal Dawar, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.175 dated 11.04.2023 registered under Sections 148, 149, 323, 324, 307, 302 and 506 of IPC and Section 25 of Arms Act, 1959 (For short "Act, 1959") at Police Station Kheripul, District Faridabad. His previous petition bearing CRM-M No.42691 of 2024 had been dismissed by this Court vide order dated 25.10.2024.

2. The petitioner along with the co-accused has been booked

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under and is facing trial for commission of aforementioned offences on the allegations that on 11.04.2023, they formed membership of an unlawful assembly and in prosecution of common object thereof, had assaulted the complainant and his family members. His son Yadram had succumbed to the injuries sustained at the hands of the assailants whereas other family members had sustained injuries.

3. It is argued by learned counsel for the petitioner that he is in custody since 18.04.2023. No injury on the person of the victim Yadram has been attributed to him. Even qua the other injured, no specific injury has been attributed to him. The injury that proved fatal for victim Yadram was attributed to co-accused Gaurav and not to him. Trial is likely to take considerable time. It is a case of version and cross version and it is to be determined as to who was the aggressor party. He has clean antecedents. The co-accused Vidya Devi has been extended benefit of bail. On parity, he too deserves to be released on bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. While refuting the contentions as raised by petitioner's counsel, it is argued by learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant that the previous petition as filed by the petitioner had been dismissed by passing a detailed order. There is no substantive or specious change in the circumstances. Merely because of the prolonged incarceration, the petitioner does not deserve to be extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

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5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner had been dismissed after making detailed discussion and by making the following observations:-

“6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, the petitioner and co-accused are alleged to have assaulted the members of the complainant party. Injuries sustained by the victim Yadram i.e. son of the complainant had resulted into his death. No doubt, the injuries which had been sustained by the deceased were not specifically attributed to the petitioner but to the co-accused but at the same time, it may be mentioned that the petitioner was named in the FIR at the very first instance and his active participation in the subject crime and his presence has been *prima facie* established from the allegations as levelled in the FIR. Being a member of unlawful assembly, he is presumed to be having a common object to cause death of the victim Yadram and injuries to the other injured persons including the complainant. The trial has commenced and it has not been revealed that it would be dragged unnecessarily. The cross case against the members of complainant party had been registered only on 08.07.2024 i.e. after a gap of three months from the date of occurrence. The gravity of the allegations as levelled against the petitioner, number of victims and attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed.”

7. The petitioner has failed to point out any specious change in the circumstances. Merely on the ground of prolonged incarceration, he cannot be considered to have become entitled for grant of bail. It is well settled proposition of law is that when successive bail applications come up before

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the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused and merely on the basis of some cosmetic change between time gap of two applications and on the ground of long incarceration, bail should not be granted. Reliance in this regard can be placed upon the observations made by Hon'ble Supreme Court in *State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292* and *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another, (2004) 7 SCC 528*. Keeping in view the above discussed facts, this Court is of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

(MANISHA BATRA)
JUDGE

12.09.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No