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

**226**

**CRM-M No.13224 of 2025  
Date of Decision: 20.05.2025**

Amit

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sahil Choudhary, Advocate,  
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,  
for the respondent-State.

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**MANISHA BATRA, J. (Oral)**

1. The instant one is the third 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.768 dated 04.11.2021 registered under Sections 302, 201, 404 and and 34 of IPC at Police Station Assandh, District Karnal. His previous petition bearing CRM-M-16906 of 2023 had been dismissed on 17.10.2023 and the second petition bearing No.CRM-M-20960 of 2024 was dismissed on

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22.07.2024.

2. As per the allegations, on 04.10.2021, the complainant Gurnam Singh was passing through the liquor vend of his village when he found his brother Sanjeev Kumar @ Sandeep to be sitting along with the present petitioner and co-accused Mohan, Deepak and Vinod while consuming liquor. He had advised his brother to go home but the petitioner and the co-accused assured that they will come after sometime. Then in the morning of 04.11.2021, he had received information about the dead body of his brother lying in the the tubewell/kotha of their agricultural land. He raised suspicion that the victim had been murdered by the petitioner and the co-accused. Postmortem examination of dead body of the victim was conducted. The petitioner had been arrested on 05.11.2021. On interrogation, he suffered disclosure statement admitting his participation/involvement in the murder of the victim and also gave details of the acts committed by the co-accused. The victim had sustained multiple several injuries which included head injury that was the cause of death. It was also revealed that a sum of Rs.24,700/- was taken from the pocket of the victim by the co-accused Mohan. The petitioner along with the co-accused is presently facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 05.11.2021. The material witnesses already stand examined and there are no chances of his intimidating them. Even as per the allegations, he did not commit any specific overt act leading to murder of the

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victim. His further incarceration would not serve any purpose. The prolonged period of his custody is substantive change in the circumstances and entitles him for release on bail. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that the previous petitions as filed by the petitioner have been dismissed. A detailed order was passed on 17.10.2023. There is no substantive or specious change in the circumstances. Successive bail applications cannot be entertained. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petitions as filed by the petitioner for grant of regular bail had been dismissed vide orders dated 17.10.2023 and 22.07.2024. It is well settled proposition of law that when successive bail applications come before 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 thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change

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during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. After hearing the contentions as raised by learned counsel for the parties, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petitions as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. The petitioner along with the co-accused is alleged to have caused homicidal death of the victim. The victim was lastly seen in the company of the petitioner and the co-accused by the complainant. In his sworn deposition, the complainant has fully supported the prosecution version. In heinous crimes like this, the prolonged trial alone cannot be a solitary ground for release of an assailant. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. Accordingly, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only

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for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.05.2025  
manju

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No