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2025:PHHC:114133



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: August 27, 2025

Inderjeet Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

Mr. Sidhant Bhonsle, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of regular bail to the petitioner in case bearing FIR No.99 dated 12.03.2022, registered for the offences punishable under Sections 323, 34, 506 of the Indian Penal Code, 1860 (for short 'IPC') (Section 302 of IPC added later on), at Police Station Bilaspur, District Yamuna Nagar.

2. The gravamen of the FIR in question is that complainant (Narinder Kumar) alleged that on 11.03.2022, at about 8/8.30 p.m., his uncle, i.e., Sheo Ram alongwith his son namely Inderjeet (present petition) armed with *lathi* and hurling abuses, came in front of their gate, in the street. The petitioner gave *lathi* blow on the head of the father of the complainant. Sheo Ram also gave *lathi* blow to his father, which fell upon his head and other parts of body. On hearing noise, he alongwith his mother Guddi came out in the

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street and they also gave *lathi* blows to him and his mother. In the meantime, Jamero, Nirmala, Ashok, Jasbir and Vinod also intervened and started giving fist and leg blows to the complainant and his mother. Neighbours and other people intervened and thereafter, Sheo Ram and the petitioner fled away from the spot along with their respective *lathies*, while threatening to kill them.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 20.03.2022. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question on account of a dispute arisen in the neighbourhood. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the case in hand is of a sudden fight. Learned counsel further submitted that one of the prime prosecution witness, namely, Priya, who is an eye witness has turned hostile. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 26.08.2025, in the Court today, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed grant of regular bail to the petitioner by arguing that there are direct and clear allegations against the petitioner. Learned counsel has further iterated that in case, the petitioner is released on bail, there is all likelihood that he may intimidate the witnesses as also flee from the process of justice. Learned counsel has further iterated that father of the petitioner, who is also a co-accused, was earlier granted concession of regular bail, wherein, the said accused has also tried to intimidate the witness. On the strength of these submissions, dismissal of the petition is entreated for.

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

7. The petitioner was arrested on 20.03.2022 whereinafter investigation was carried out and challan was presented on 19.06.2022. Total 17 prosecution witnesses have been cited, out of which, prime prosecution witnesses already stand examined. It is thus, indubitable that culmination of the trial will take its own time. 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.

7.1. Though learned counsel for the complainant has made an argument that father of the petitioner, after being released on bail, had tried to threaten the witnesses, but there is nothing substantial material coming forth regarding the same and plea made by the complainant/ side for cancellation of bail of the father of the petitioner admittedly stands rejected. In this view of the matter, there is nothing perceptible on record to show the likelihood of the petitioner absconding from the process of justice and interfering in the prosecution evidence.

7.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as not pressed on 14.01.2025. However, keeping in view further incarceration of the petitioner for a period of more than 07 months and no substantial progress in trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a

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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.”

7.3. As per custody certificate dated 26.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 years, 05 months and 05 days, & is not shown to be involved in any other case. Keeping in view the entirety of the factual milieu of the case in hand, specially, in view of incarceration of the petitioner for a period of more than 03 years, this Court deems it appropriate not to detain the petitioner further as an undertrial.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

8. 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 CJM/Duty Magistrate. However, in addition

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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 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 27, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No