

2025:PHHC:128591



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

**CRM-M No.24445 of 2025
Date of Decision: 15.09.2025
Reserved on: 05.09.2025**

Sanjay @ Sanju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohan Singh Rana, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. This is the second petition 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.57 dated 01.03.2024 registered under Sections 302, 120-B, 148, 149 and 216 of IPC and Sections 25 and 25(1) (B) of Arms Act, 1959 at Police Station Narwana Sadar, District Jind. The previous petition as filed by him before this Court bearing CRM-M No.56081 of 2024 had been dismissed vide order dated 16.01.2025.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Vikas alleging that in the morning

2025:PHHC:128591



of 01.03.2024, his brother i.e. the victim Sushil Sharma had left home for some personal work. Sometime thereafter, an intimation that he had been shot at by accused Vikram, had been received. The dead body of the victim was found lying at Civil Hospital, Narwana. The complainant while alleging that the accused Vikram along with his accomplices, had committed murder of the victim, prayed for taking action. After registration of FIR, investigation proceedings were initiated. The accused Vikram and Sombir were arrested on 05.03.2024. On the basis of disclosure statements made by them, the petitioner was nominated as an accused and was arrested on 06.03.2024. The other co-accused were also arrested.

3. It is argued by learned counsel for the petitioner that after dismissal of the previous petition as filed by the petitioner, the circumstances have changed as the co-accused Sonia whose case was on similar footing, has been extended benefit of bail by Hon'ble Supreme Court and co-accused Sidharth Sharma has also been released on bail by the Court of the Jurisdictional Magistrate. Only 01 out of 48 prosecution witnesses, has been examined so far. The extended period of his incarceration, the fact that he was neither named in the FIR nor any specific overt act has been attributed to him and even as per the prosecution version, it was the co-accused Sombir who had killed the victim by firing shots with a gun, no useful purpose is going to be served by keeping him in custody any more. It is, therefore, urged that the petition deserves to be allowed and he deserves to be released on bail.

2025:PHHC:128591



4. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that the present one being a second petition for grant of regular bail is not maintainable especially in view of the fact that his previous petition had been dismissed after considering all the facts and circumstances and by making detailed discussion. It is also submitted that the case of Sonia is not at parity with that of the petitioner. There are specific allegations of his hatching conspiracy with the co-accused and reaching at the spot of occurrence in pursuance thereof and then joining the accused, who had shot at the victim. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

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

“6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, to have murdered the victim Sushil Sharma in the morning of 01.03.2024. There are grave allegations against him. The trial has commenced. 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, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

7. The petitioner has sought concession of bail on the ground that the co-accused Sonia has been extended benefit of bail and due to extended

2025:PHHC:128591



period of incarceration. So far as the accused Sonia is concerned, she was not present at the place of occurrence at the relevant time whereas as per the prosecution case, the petitioner was very much present along with the actual assailants, at the place of occurrence and as such, his case cannot be stated to be at parity with the co-accused Sonia. With regard to extended period of incarceration, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***.

8. More so, this petition has been filed within four months from the date of dismissal of the previous petition by this Court. The well settled proposition of law is 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. Bail cannot be granted only on the ground of long incarceration. In the instant case, no substantial or drastic change in the circumstances has been pointed out by the petitioner. In view of the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is

2025:PHHC:128591



of the considered opinion that the petition does not deserve to be allowed.
Accordingly, the same is dismissed.

15.09.2025
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(MANISHA BATRA)
JUDGE

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