

CRM-M-30704-2025 (O&M)

2025:PHHC:167978



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-30704-2025 (O&M)**

Ankit alias Kala

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: December 03, 2025

Date of Uploading: December 03, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sahil Choudhary, Advocate and
Mr. Manjeet Garhwal, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.708 dated 02.08.2018, for the offence punishable under Section 346 of the IPC, 1860 (deleted later on) and Sections 302, 201, 379-B & 34 of the IPC (added later on), registered at Police Station Old Industrial Panipat, Distirct Panipat.

2. The gravamen of allegations against the petitioner is that on 02.08.2018, complainant, namely, Sunita, wife of Ashok, submitted a written complaint at the police station stating that on 28.07.2018, at about 8:00 p.m., her husband had left home driving his Swift Dzire, bearing registration No.HR-10T-1376. At around 9:00 p.m., she received a phone call from him, during which he informed her that he was going to Haridwar.

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Thereafter, his mobile phone became unreachable and his whereabouts remained unknown. She described her husband's age as 40 years, provided his physical description and the details of the clothes he was wearing, and requested that a search be initiated. She also provided his mobile number: 9896607149.

On this complaint, an FIR under Section 346 IPC was initially registered. During the course of investigation, on 12.08.2018, in FIR No.464 dated 12.08.2018, under Section 307 IPC, FIR No. 466 dated 12.08.2018, under Sections 25 & 27 Arms Act, and FIR No.467 dated 12.08.2018, under Sections 25 & 25 Arms Act—all registered at Police Station Kandhla, District Shamli (U.P.)—Ankit @ Kala (son of Radhey Shyam) (*petitioner herein*), Amit (son of Suresh), and Kapil (son of Ram Kumar) were arrested. During interrogation, they made disclosure statements regarding the present case, admitting that on 28.07.2018, they had hired a Swift Dzire from Panipat Taxi Stand, travelled to Haridwar, and on their return, murdered the driver, disposed of his body by throwing it into a canal, and fled with the vehicle. They further disclosed that the seized vehicle recovered in the above-mentioned cases was the same vehicle, belonging to the deceased. The chassis and engine numbers were identified as MA3F5JEB1S00133385 and D13A1828408, respectively. All three accused were lodged in judicial custody at Muzaffar Nagar (U.P.) on 12.08.2018. The accused were brought into the present investigation through production warrants on 20.08.2018, upon court orders, and were formally arrested in this case. Consequently, Sections 302, 201, 379-B, 34 IPC were added, and Section 346 IPC was

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deleted. Further investigation was conducted by ASI Angrej, CIA Panipat, who, on 21.08.2018, demarcated the place of occurrence. On 23.08.2018, the family members of deceased Ashok identified him through photographs and his clothing. A photocopy of the registration certificate of the stolen vehicle was obtained. From accused Kapil, the Aadhaar card of the deceased was recovered, and from accused Ankit @ Kala, the number plate HR-10T-1376 of the stolen vehicle was recovered.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.08.2018. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question by the police on account of his antecedents. Learned counsel has further argued that the case in hand is one of the circumstantial evidence. Learned counsel has further submitted that the petitioner is in custody for more than 06½ years and the trial is not culminated till date. 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. The State counsel seeks to place on record custody certificate dated 03.12.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 20.08.2018 whereinafter investigation was carried out and challan has been presented on 15.11.2018. Total 20 prosecution witnesses have been cited, and it is not in dispute that

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out of said prosecution witnesses, 14 have been examined till date. Indubitably, conclusion of the trial will take long time. The rival contention 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. It is not in dispute that the petitioner has suffered incarceration for more than 06½ years. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, in which, it has been held as under:

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a

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speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.2. As per custody certificate dated 03.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 years, 05 months and 15 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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***.

6.3. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The first bail plea was dismissed as withdrawn on 06.11.2023, whereas, the second plea for bail was dismissed on 07.08.2024. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for another more than 01 year & pace of trial; this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court

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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.”

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

7. 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 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.

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- (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/Illaqa 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.

(SUMEET GOEL)
JUDGE

December 03, 2025
mahavir

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