



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

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**CRM-M No.34622 of 2025
Date of decision : 10.7.2025**

Rohit alias Mantri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shubham Saroha, Advocate and
Mr. Rohit Verma, Advocate, for the petitioner

Mr. Vikram Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.484 dated 30.9.2024, under Sections 109(1), 115(2), 190, 191(3), 351(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kurukshetra University, District Kurukshetra.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Anil @ Mota son of Hari Kishan resident of Jyotisar Police Station K.U.K. District Kurukshetra age 23 years mobile No. 74970-94381 has stated that I am a resident of above address and I do labour work. The complainant has studied upto middle standard. We are three brothers and name of his elder brother is Gyani, younger to him is Sunil and he is the youngest one. On 29.09.2024 at about 10:00 p.m., he was sitting on the side of the road near Geeta Sathal Mandir, Jyotisar. In the meantime,



about 5-6 boys armed with gandasi, iron rod and dandas-bindas came on two motor-cycles of without number plate and stated that this boy Anil @ Mota was also accompanying Raju Nai. Out of them, he knows Rohit son of Vinod Kumar, resident of Ambala Cantt., at present Village Raogarh, District Kurukshetra. That after stopping the motor-cycles, all the boys started quarreling with him. Then he raised the noise of bachao-bachao and in the meantime his brother Sunil came at the spot in e-riksha. The unknown boys out of the assailants caught hold his brother Sunil and then Rohit gave a blow with iron rod on the head of Sunil with an intention to kill him and another boy gave a gandasi blow from its reverse side on the head of Sunil. On receiving the gandasi blow, Sunil became unconscious and then 5-6 boys gave beatings to complainant and Sunil with dandas, fist and slap blows. On seeing the crowd, the assailants fled away from the spot and while going, they threatened to kill them in future. After that on coming to know about the quarrel, his brother Gyani also came at the spot and complainant along with his brother Gyani rushed his brother Sunil to LNJP Hospital, Kurukshetra, from where he was taken to Metro Hospital, Kurukshetra for proper treatment. Hence, with these allegations the instant case was got registered against the accused.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.10.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that all private prosecution witnesses including the FIR-complainant and victim stand examined and thus, there is no chance that the petitioner may influence substantially the prosecution evidence. Learned counsel has further submitted that the petitioner is a young man of 24 years of age with no criminal antecedents. Learned counsel has further submitted that from the factual *milieu* of the case, offence under Section 109 of Bharatiya Nyaya Sanhita, 2023 is not made out. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised 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 custody certificate dated 8.7.2025 in Court, 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 13.10.2024 whereinafter investigation was carried out and challan was presented on 13.11.2024. Total 15 prosecution witnesses have been cited out of which 5 stands examined till date. It is not in dispute that all private prosecution witnesses, including the complainant and the victim stand examined. The rival contentions by learned counsel give rise to debatable issues which shall essentially 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.

As per custody certificate dated 8.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of eight months and twenty-five days & is not shown to be involved in any other case.

6.1. The petition in hand is the second bail petition preferred before this Court. The first bail petition was dismissed as withdrawn at that stage on 27.3.2025. Indubitably, a change in circumstances is inevitable for



maintainability of the second/subsequent bail petition—prolonged incarceration undergone by the accused after the rejection of the earlier bail petition constitutes a weighty and relevant consideration in adjudication of the second bail plea. The passage of time and the period of custody cannot be ignored, especially where trial is unlikely to conclude in the near future. Keeping in view the extended incarceration of the petitioner and the slow pace of the trial, this Court is inclined to favourably consider the instant petition. A profitable reference in this regard is being made to a judgment passed by this Court in ***Rafiq Khan versus State of Haryana and another: 2024(2) Law Herald 1140***; relevant whereof reads thus:

“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.
- (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

10.7.2025
Ashwani

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