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

CRM-M-37573-2025 (O&M)

Reserved on : 02.09.2025

Pronounced on : 10.09.2025

Anmol**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Neeru Bansal, Advocate
for the petitioner.

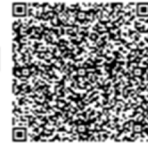
Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 34 dated 13.02.2024, registered under Section 302 of IPC and Section 25 of the Arms Act, 1959 (Sections 397, 201 and 34 of IPC added later on) at Police Station Barauda, District Sonipat. The previous petition, bearing **CRM-M-48061-2024**, was dismissed on 01.03.2025.

2. The victim had sustained fire arm injury by some unknown person and his dead body was found lying on the road on 13.02.2024. After registration of the FIR and during the course of investigation, accused Sandeep was joined into investigation and on the basis of his disclosure statement, the petitioner and co-accused Arun were nominated as such. The petitioner was taken into custody on 19.02.2024. He disclosed that on the fateful night, he along with co-accused had caught hold of the victim with

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intent to rob him of his vehicle. Co-accused had fired a shot with a pistol, thereby killing him and then they had escaped with the car of the victim. He also got recovered the vehicle of the victim.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused. He was not named in the FIR. There is no eyewitness to the occurrence. The material witnesses namely PW-1 Karambir i.e. the complainant, PW-2 Manjeet and PW-3 Sombir have not implicated the petitioner in commission of subject offences. PW-4 Bunt Khurana, who had allegedly handed over the extract from CCTV camera installed in his house in a pen drive to the police has turned hostile and has denied that he had handed over any CCTV footage to the police. The case is based on circumstantial evidence and no circumstance is there to connect him with the crime. The prolonged period of his incarceration coupled with the fact that the material witnesses have not supported the prosecution version is a substantive and drastic change in the circumstances, thereby entitling him to seek concession of bail. It is, thus, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. His previous petition had been dismissed on merits. No substantive or drastic change in the circumstances has been pointed out. The witnesses who have been referred to by the petitioner, even otherwise, were not eyewitnesses to the occurrence and, therefore, their statements cannot be stated to be material. No doubt, PW-3 Bunt Khurana has not supported the

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prosecution version but there are other circumstances pointing out towards the complicity of the petitioner in the subject crime. Merely because of the fact that a witness has turned hostile after dismissal of the previous petition, no new or drastic change can be inferred. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner along with co-accused is alleged to have committed murder of the victim while robbing him of his vehicle. The incident had been captured in CCTV camera installed in the house of PW-4 Bunty Khurana. He has not supported the prosecution version. However, the remaining witnesses are yet to be examined. There are other circumstances along with disclosure statement of the co-accused, which have been pointing out towards the petitioner. Due to the reason that some formal witnesses and the complainant, who were not the eyewitnesses, have not implicated the petitioner in the subject crime, it cannot be inferred that the petitioner is innocent since these witnesses were not the eyewitnesses. The effect of testimony of PW-4 has to be considered after thorough assessment of the material evidence produced before the learned trial Court during trial and the same cannot be gone into at this stage. His previous petition was dismissed on merits. The present one is the successive petition. 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.

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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 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. However, no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. In view of the discussion as made above, I am of the considered opinion that the petitioner is not entitled to get benefit of bail, at this stage. Accordingly, the petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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