

CRM-M-49751-2025

2025:PHHC:125487



206

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

CRM-M-49751-2025

Date of decision: September 12, 2025

Gurdeep Singh @ Deepak

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Shubham Rana, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

**\*\*\*\*\*****SUMEET GOEL, J. (ORAL)**

Present second 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 bearing FIR No.225 dated 23.09.2024, registered for the offences punishable under Sections 310(2), 251(b), 190, 191(3), 115, 238 and 140(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 310(2) and 238 of BNS, 2023 added and Sections 303 & 251(b) of BNS, 2023 dropped later on), at Police Station GRP, Ambala Cantt. District GRP Ambala Cantt.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

*“Statement of Abhishek S/o Santram, resident of House No. 1126 Milap Nagar Ambala City, Police Station Sadar Ambala City District Ambala Age 23 years M-8569990135. Stated that I am a resident of the above address and doing labour work. I went to Mata Vaishno Devi by train on*

CRM-M-49751-2025

*20-09-2024 with my friends Rohit, Nishant and Saurav Kumar. On 22-09-2024, I and my three friends boarded the train for Ambala Cantt at around 3-20 pm by taking railway tickets. Our train reached Ambala Cantt. railway station on 23-09-2024 at around 00-30 AM. I and my friends reached the parking RLY STN A/CANTT to pick up our motorcycle where we had parked our motorcycle on 20-09-2024. My friend Saurav had gone to the parking with a slip to pick up his motorcycle. I, Nishant and Rohit were standing outside waiting for Saurav to come with the motorcycle. Then I heard Saurav shouting and I saw Rahul Walia standing in front of me with a Gandasa in his hand, Sharif @ Sahil Rathore with an iron pipe-like rod in his hand, Mitthu @ Vabhav R/o Kabir Nagar also with an iron rod in his hand, Rudra Pratap who has a gym at Jagadhari Gate with an iron pipe-like rod in his hand, he attacked my right leg with the rod due to which I started staggering. Meanwhile my three friends ran away from the spot on seeing fight. After that Anubhav Sood hit me on the head with a heavy object. Rimpi Sardar put something like a pistol in my mouth and said that if I made any noise, I would shoot you. Deepak also hit me several times with an iron rod. Then they forcibly put me in a car, blindfolded me and took me to some unknown place/room. In the room also they stripped me naked and beat me. After hitting me on my face, they all urinated on my face. At that time my right leg was broken below the knee and blood was flowing from my head. They snatched my mobile phone, ATM card, my purse from me and took my ATM CARD password from me which I had told to be wrong. At the time when I was being, assaulted in the room, some other associates of Rahul Walia also assaulted me, whose names I do not know, but I can recognize them if they come in front of me. After that Rahul Walia, Anubhav Sood, Mithu @ Vaibhav and Rudra Pratap put me in a Scorpio car and threw me on a stretcher trolley lying in front of the emergency gate of Civil Hospital Sector 6 Panchkula and left. It was four in the morning at that time. Seeing me lying outside on the stretcher, the hospital staff brought me inside. I told the staff about the incident that happened with me and taking a phone call from some poor person, I told my brother about the incident and my brother came to me at around 8 am. My treatment is going on in Panchkula Civil Hospital. I request you to take legal action against the above mentioned people who beat me up. I can very well identify the people who beat me up if they come in front of me. I am getting my statement written in full consciousness in the presence of my brother Sandeep. I have read my statement because I am a 9<sup>th</sup> pass and I claim to take legal action.”*

3. Learned counsel further argued that the petitioner is in custody since 02.10.2024. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is of causing a simple injury on the head of the FIR-complainant/ injured. Learned counsel has further argued that the said injured, namely, Abhishek has been examined as PW2.

CRM-M-49751-2025

Learned counsel has further iterated that the complainant has fabricated the FIR version in question as there was impending rivalry between them. Learned counsel has also iterated that the petitioner is in custody for more than 11 months. 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, he does not deserve the concession of the regular bail. Learned State counsel has also argued that there are eye witnesses, who are yet to be examined. Learned State counsel seeks to place on record custody certificate dated 10.09.2025 in the Court today, which is taken on record.

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

6. The present petitioner was arrested on 02.10.2024, whereinafter, investigation was carried out and the challan was presented on 18.12.2024 *qua* the petitioner. Total 13 prosecution witnesses have been cited, and out of which, only 02 have been examined till date. It is not in dispute that prime prosecution witness, namely, Abhishek (FIR-complainant/injured) has been examined as PW2. The rival contentions raised at Bar give rise to the debatable issues, which shall be gone into during course of the 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. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner

CRM-M-49751-2025

was dismissed as withdrawn on 01.03.2025. However, keeping in view the totality of factual milieu of the case in hand; especially extended incarceration of the petitioner for a period of about 06 months and prime prosecution witness, i.e., PW2 – Abhishek (FIR-complainant/ injured) having been examined; 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 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.”*

6.2. As per custody certificate dated 10.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period

CRM-M-49751-2025

of 11 months and 08 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*.

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.

CRM-M-49751-2025

- (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 CJM/ Duty 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.

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

**(SUMEET GOEL)**  
**JUDGE**

**September 12, 2025**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No