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2025:PHHC:128845



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

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Date of decision: September 17, 2025

Naveen @ Minu

....Petitioner

versus

State of Haryana

....Respondent

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

Mr. Deepak Kumar Grewal, DAG Haryana.

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

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.881 dated 19.10.2023, registered for offences punishable under Sections 10, 201, 216A, 392, 120B, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25(1-B)(A) of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Barwala, District Hisar, Haryana.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Ravi, had stated that he, along with Narender, was employed as a Salesman at Reliance Petrol Pump, Barwala, and both were on duty on 19.10.2023 from 7:00 p.m. to 7:00 a.m. the following day. At about 7:25 p.m., three young boys, with their faces covered with white cloth,

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arrived on a motorcycle without a number plate and mudguard. Two of them got down, pointed pistols at the complainant and his colleague, and threatened to kill them if they did not hand over their belongings. The complainant alleged that he was carrying ₹33,740/- in cash and a Realme mobile phone, which the accused forcibly took from him at gunpoint before fleeing from the spot. On 16.11.2023, co-accused Vijender, Amar Dass, and Virender were arrested, and the motorcycle used in the commission of the offence was recovered. Subsequently, on 18.11.2023, another co-accused Karamjeet @ Satyawar @ Sattu was arrested, and during interrogation, he admitted his role in the present case. Further, on 13.03.2024, Naveen @ Minu (petitioner herein) was apprehended, who, in his disclosure, admitted his involvement in the occurrence and confessed to having destroyed the motorcycle's number plate. He further disclosed that he had conspired with Virender @ Bhopa, Amar Dass, and others in committing the offence. From the ill-gotten amount, a sum of ₹2,000/- falling to his share was recovered from his residence.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 13.03.2024. Learned counsel has argued 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, no weapon has been recovered from the petitioner and it is only ₹2,000/-, which were allegedly recovered from him. Learned counsel has further iterated that the petitioner has been implicated into the FIR in question, primarily, on the disclosure statement of co-accused, namely, Amar Dass. Learned counsel has argued that the requisite Test Identification

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Parade (TIP) was not conducted by the police and thus, the prosecution version suffers from defects. Learned counsel has lastly iterated that the petitioner has suffered incarceration of more than 01½ years. 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, hence, he ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 16.09.2025 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 petitioner was arrested on 13.03.2024, whereinafter investigation was carried out and the challan has been presented on 19.05.2024. Total 22 prosecution witnesses have been cited, out of which, only 06 have been fully examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions 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. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed on merits on 26.03.2025. However, keeping in view extended

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incarceration of the petitioner for a period of more than 06 months (which is reflected from the *zimni* orders brought forth) and no substantial progress in 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 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 16.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 02 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However,

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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.
- (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.

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(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 17, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No