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2025:PHHC:117662



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

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Date of decision: 1.9.2025

Dheeraj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

1. 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.526 dated 17.10.2024, registered for the offences punishable under Sections 111(2)(b), 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(6) of the Arms Act, 1959 (for short 'Arms Act') (Section 25(1-b)(a) of the Arms Act added later on), at Police Station Khedki Daula, District Gurugram.

2. The gravamen of the FIR in question is that on 16.10.2024, a secret information was received to the effect that Dheeraj (petitioner herein) son of Ramesh Chander was sitting in his office in his village Nakhrola alongwith 5-7 other persons namely, Samunder @ Rathi, Sagar, Manish, Vikas. They all are members of Ashok Rathee gang. Samunder and Sagar

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had threatened Mahesh Sharma, who is employee in Conscient Company and had tried to extort money but he refused. All the accused were planning to commit a loot over there and to snatch their dumpers, as also were planning to abduct Mahesh Sharma and owner of the company. They had pistols and revolvers. Thus, police party entered the office. Numerous weapons were found on the table alongwith live cartridges. Total 4 pistols and one revolver, five magazine, 21 live rounds were recovered. Their sketch was prepared. Present case was registered. Two Mahindra Scorpio black colour were also taken into custody. The petitioner, Samunder, Sagar, Manish, Anuj and Vikas were arrested.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 17.10.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Initially one FIR No.525 was registered on 16.10.2024 and no specific suspect had been named in the said FIR. The petitioner did not participate in any offence as alleged in the aforesaid FIR. Learned counsel has iterated that thereafter, second FIR, i.e., the instant FIR bearing No.526 was registered on 17.10.2024 on the allegations that the petitioner and others were making preparations for abducting the complainant in the earlier FIR, which led to their arrest. Learned counsel has further iterated that there is no substantial evidence to connect the petitioner with the alleged crime. He has argued that even, the complainant has retracted from his allegations in the first FIR and the said FIR stands quashed on the basis of compromise by this Court vide order dated 19.12.2024. Learned counsel has further argued that, once the FIR No.525 registered on the complaint made by Mahesh Sharma, already stood quashed, the subsequent FIR No.526 (present FIR), in which the

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petitioner has been implicated as accused, has been registered against the mandate of law as laid down by Hon'ble Supreme Court in ***P.P. Antony Vs. State of Haryana (2001) 6 SCC 181***. Learned counsel has further iterated that the petitioner is in custody for more than 10 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 the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 30.08.2025, 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 17.10.2024 whereinafter investigation was carried out and challan was presented on 17.12.2024. Total 15 prosecution witnesses have been cited, out of which only 03 have been examined till date. It is indubitable that the conclusion of trial will take some time. 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 as withdrawn on 10.7.2025. However, keeping in view further incarceration of the petitioner for a period of about two months and no substantial progress in trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to

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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 30.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 12 days. Further, as per the said custody certificate the petitioner is stated to be involved in multiple FIRs. 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**

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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 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.

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- 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

1.9.2025
Ashwanii

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