

2025:PHHC:125630



CRM-M No.51549 of 2025

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

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**CRM-M No.51549 of 2025
Date of decision : 12.9.2025**

Vikash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tanveer S. Grewal, Advocate, for the petitioner

Mr. Vishal 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 FIR No.782 dated 15.12.2021, under Sections 120-B, 201, 420, 467, 468, 471 of the IPC (Section 201 of IPC added later on), registered at Police Station Gurgaon Sadar, District Gurugram.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to cheating involving theft of VAT to the tune of ₹13,28,84,738/- by creating a bogus firm alongwith co-accused, of which the petitioner stood surety, at the time of its registration.
3. Learned counsel for the petitioner has argued that the petitioner



has been falsely implicated into the FIR in question. Learned counsel has further iterated that the liability, if any, of the petitioner is only financial in nature and no criminal culpable liability is attributed to him. Learned counsel has further argued that in a petition bearing CRM-M No.45392 of 2025, wherein the co-accused has sought for quashing of the FIR in question alongwith proceedings emanating therefrom, this Court has directed the trial Court to adjourn the case beyond the date fixed in this Court. Learned counsel for the petitioner has further argued that the petitioner is a man with clean antecedents. 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 12.9.2025 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 1.4.2024 wherein after investigation was carried out and challan stands was presented on 28.6.2024. Total 29 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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.

As per custody certificate dated 12.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 5 months and 9 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 on 2.5.2025. 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 state 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.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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

12.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No