

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025-PHHC-160227



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CRM-M-51702-2025

PRINCE KUMAR

....PETITIONER

versus

STATE OF HARYANA

....RESPONDENT

Date of decision: 18.11.2025

Date of Uploading: 18.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior DAG, Haryana.

Mr. G.S. Ghuman, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 52 dated 11.02.2023 under Section 302, 120-B and 201 of IPC, registered at Police Station Mullana, District Ambala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:- .

“Sir, the copy is as follows- Statement of unknown Surjan Singh son of Prasanna Ram resident of village Sehla police station Mullana district Ambala age about 56 years mobile no. 9050623945. Stated that I am a resident of the above name and address and I do manual labour work. I have two sons and a daughter, out of which my daughter Komal age 28 years died in the year 2022 due to mental disorder and the elder son Prince who is currently working abroad in Dubai and the younger son Naveen Kumar age about 30 years who used to work as a DJ and was married and has a son Rohin of about 5 years. I and my son Naveen are living together with our family in village Sehla. Today was the wedding of my elder son Prince's brother-in-law in Naraingarh. All of us family members got ready from home and went to the wedding at around 11 in the morning. At



that time my son Naveen and his wife Manjeet Kaur were at home. When we returned home from the wedding at around 4 in the evening, I asked my daughter-in-law Manjeet Kaur that where is Naveen Kumar, She told that after some time of your departure, Naveen Kumar also got ready and left from his house and has not returned home till now. After some time, I received a call from my son-in-law Ramesh Kumar son of Puran Chand resident of village Sulkhani police station Mulana who told that I have received information that unknown persons attacked Naveen Kumar with sharp weapons and iron rods on his head, chest and back many times in the land adjacent to the park near village Kheda due to which he died. You reach the spot quickly, I am also going to the spot, on getting the information I reached the spot immediately where I came to know that Naveen Kumar has been taken to MMU hospital Mulana. After that I and my nephew Ravinder Kumar son of Shri Suresh Kumar resident of village Sehla police station Mullana reached MMU hospital Mullana where we came to know that the body of Naveen Kumar has been kept in the mortuary where I identified the body. This body is of my son Naveen Kumar who was murdered by unknown persons by attacking him with sharp- edged weapons and iron rods on his head, chest and back causing deep injuries. Strictest legal action should be taken against these unknown persons. I have got my statement written to you, have read it, understood it, it is okay. SD Surgeon Singh 9050623945 Attested Surender Singh INSP/SHO PS Mullana Dt 11.02.2023. Police action Today I INSP/SHO along with HGH Mohit 120 with vehicle official number HR01AR-2000 whose driver is SPO Rajesh Kumar 121 had left for patrolling and investigation of crime area police station Mullana, at about 4:50 PM we received a telephone information that I am a resident of village Kheda, my name is Vikram, a young boy is lying dead in the other field adjacent to my field, he has multiple injuries on his head and chest, you should reach the spot. On receiving this information, the INSP/SHO along with his staff reached the park near village Kheda area and the incharge post SI Amarjit Singh 138 Ambala and M.S. Jafar Ali 273, HGH Prithi 174 and HGH Gurdeep Singh 322 were informed to reach the spot immediately and on reaching the spot, Vikram Singh was found present who showed the body of the young boy and the INSP/SHO instructed his fellow officer to keep the scene safe and instructed fellow officer M.S. Jafar Ali 273 to take photographs and video related to the scene on his phone and keep it safe and after calling the government ambulance, the body of the deceased was taken to MMU Hospital Mullana under the supervision of HC Jafar Ali and The Scene of Crime Team, Finger Print Team and Cyber Cell Incharge Team were informed by the INSP/SHO to reach the spot. During this time, no eyewitness



had recorded his statement at the scene. At about 7.00 PM on receiving the information/rukka of death of Naveen Kumar son of Surjan Singh resident of village Sehla, Police Station Mullana, District Ambala, age about 30 years, SI Amarjeet Singh Incharge Police post Kalalati and HGH Prithvi 174 left the scene of crime for security and safe investigation along with fellow officers and reached MMU Hospital Mullana where the INSP/SHO obtained the report related to the death of deceased Naveen Kumar above and reached MMU mortuary for further action where Head Constable Jaffer Ali was present and outside the mortuary, father of deceased Naveen Kumar above, Surjan Singh son of Prasanna Ram resident of village Sehla, Police Station Mullana, District Ambala met the INSP/SHO and got his above statement recorded, which from the above statement, from the report of which, the commission of crime under 302 IPC was found. After writing the article, Head Constable Jafar Ali 273 is being sent to the police station with the mentioned complaint. After this, the mentioned complaint number should be informed to the accused and copies of the special report of the above case should be sent to the service of the officer through mail. The higher officials have already been informed about the situation till now through telephone. HGH Gurdeep Singh 173 was released after giving suitable instructions for mortuary surveillance. I INSP/SHO along with the complainant and the case along with accompanying officials leave for the spot of incident. MMU Hospital Mullana Mortuary SD Surender Singh Managing Officer Police Station Mullana Date 11.02.2023 AT-8.30 PM. Today Police Station- As per the above article, the charge as per the above crime has been registered and the copy along with the original article has been sent to the police station Mu.Si. Jafar Ali No.273. The investigator was sent after giving it. Copies of the First Information Report are being sent as a special report to the officers concerned through e-mail. The entry record was made as per the police procedure. The First Information Report was filed in the presence of PSI Mandeep.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.02.2023. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the primary prosecution evidence available against the petitioner is in the form of a selfie found on the mobile phone of the deceased, the disclosure statement, and the call detail records. It



is submitted that there is no direct evidence or eyewitnesses available against the petitioner. Learned counsel has also submitted that the petitioner has undergone incarceration for more than two and a half 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, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.11.2025 in Court, 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 15.02.2023, whereinafter investigation was carried out & challan was presented on 24.04.2023. Total 28 prosecution witnesses have been cited out of which only 10 have been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024 titled as Javed Gulam Nabi Shaikh vs. State of Maharashtra and another,*** decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. 20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an



accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be. 21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.

The rival contention raised at Bar give rise to debatable issues which shall essentially 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 the custody certificate filed today by the learned counsel, the petitioner has undergone 2 years 8 months and 27 days. Further, as per custody certificate dated 12.11.2025 filed by the learned State counsel, the petitioner is not shown to be involved in any other FIR/case.

6.1. Indubitably, the present petition is the third attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-44272-2024 was dismissed as withdrawn on 17.01.2025. However, keeping in view the entirety of facts and circumstance of the case in hand, especially keeping in view the extended custody and pace of trial, this Court is inclined to favourably 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.”

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 trial Court/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

18.11.2025

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