



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

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**CRM-M No.53681 of 2025
Date of decision : 27.10.2025**

Rajeev Kumar**.....Petitioner****Versus****State of Haryana and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gursimran Singh Madaan, Advocate and
Mr. Amolak Singh Johal, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

Mr. Bhupinder Kumar Gupta, Advocate, for respondent no.2

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.152 dated 11.5.2025 under Sections 109(1), 281 and 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Naraingarh, 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:-

'Statement of Vitesh Kumar son of Bahadur Lal, resident of village Manakpur, Police Station Shahzadpur, District Ambala, aged 20 years, mobile no.9653558498, stated that I am resident of above mentioned address and studying in Government P.G. College, Naraingarh. Today dated 10.05.2025 at about 09:30 PM along with my friends Khushwinder



Singh son of Ram Kumar resident of village Peer Majri, Police Station Naraingarh, Anil Kumar son of Balak Ram, resident of village Peer Majri, Police Station Naraingarh, and Mohit son of Mahinder Singh, resident of village Bhurewala, Police Station Naraingarh in Anil Kumar Scorpio No. HR04M-2777 for personal work from Subhash Chowk, Naraingarh towards College Road, Naraingarh. Our vehicle was driven by Khushwinder and I was sitting on other side seat with Khushwinder, and in the vehicle behind Khushwinder Anil Kumar son of Balak Ram and behind my seat Mohit son of Mahender Singh were sitting. Shops in the market were closed at that time. When we reached in front of Monti Samosa shop then suddenly a Scorpio No.HR04L-0777 driven fastly came from Village Kularpur side and broke driver side mirror of our car by hitting their vehicle. On this Khushwinder stopped the vehicle as well as driver of HR04L0777 stopped his vehicle and I along with Khushwinder alighted from vehicle as well as three boys also alighted from the other vehicle and we Started arguing and they threatened us with our life then a boy alighted from the other vehicle with the weapon held in his hand fired towards me with the intention to kill and the bullet hit me on my right left shoulder side on my chest and the boys ran away from the spot in their vehicle. Thereafter, my friends put me in the vehicle and brought me to Government Hospital, Naraingarh for treatment. I was attacked by unknown person in Scorpio no. HR04L0777 with the intention to kill, please legal action be taken against them. Sd/ Vitesh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.5.2025. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the Scorpio in question allegedly used for the commission of offence does not **belong to the petitioner**. Learned counsel has further iterated that the petitioner has not specifically attributed the role of firing of gun shot and the same has been attributed to co-accused Mandeep @ Deepi, who is in custody. Thus, regular bail is



prayed for.

4. Learned State counsel has filed reply by way of affidavit of Virender Sharma, HPS, Deputy Superintendent of Police (Crime), Ambala Cantt., District Ambala. The same is kept on record. Raising submissions in tandem with the said reply, learned State counsel as also learned counsel for the complainant have 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 25.10.2025 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 10.5.2025 wherein after investigation was carried out and challan stands presented on 6.8.2025. Total 24 prosecution witnesses have been cited and the case is at the stage of framing of charges. Thus, 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.

6.1 Indubitably, the present petition is the 2nd attempt by the



petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 13.8.2025. However, keeping in view further incarceration of the petitioner for a period of about 2½ 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 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 25.10.2025 filed by learned



State counsel, the petitioner has already suffered incarceration for a period of 5 months and 15 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under the provisions of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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.
- (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.

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

27.10.2025
Ashwanii

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