



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

206

**CRM-M No.57515 of 2025
Date of decision : 21.11.2025
Date of uploading : 21.11.2025**

SombirPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vijay Lath, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present third petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.307 dated 07.09.2023 registered for the offences punishable under Sections 302, 201, 120-B, 148, 149 of IPC and Section 25 of Arms Act, 1959, at Police Station Rohtak Sadar, District Rohtak.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, The Incharge, Police Post Titoli (Rohak), Subject: Regarding death of Vikas son of Pappu, resident of Nandgarh, Julana, Jind. Sir, Requested that I am Pappu son of Harphool, resident of Village Nandgarh, Tehsil Julana, District Jind. I am doing labour work for bread and butter of my family. I have four children, two sons, two daughters. My both daughters are married. My elder son Vikas who is aged about 28 years, used to drive a truck, On the occasion of Raksha Bandha, Vikash came to his house at



village Nandgarh. Yesterday dated 06.09.2023 in the evening at around 6.30 PM, I and my son Vikas as well as other family members were present at home. Shomma sonu of Kartar alias Tinda and Sony brother of Shomma, called my son Vikas and took away with them from our house. Today on 07.09.2023 I received information that dead body of my son Vikas has been found lying in the fields near Drain No.8 near Titoli-Sundarpur. Then I and my family members reached in the fields near Bridge to Drain No.8 at Village Sundarpur and Titoli, where dead body of my son Vikas was lying in fields adjoining to passage of Drain No.8. I am sure that my son Vikas has been killed by Shomma and Sonu above mentioned of our village and son of their Bhua (paternal aunty), resident of Village Kathura, District Sonipat. His name I do not know. They all three by conniving with each other have killed my son Vikas by giving fire shot in right side of chest and inflicting injuries on his head with sharp edged weapon and threw the dead body near to passage of Drain No.8 with intention to destroy the same. Necessary legal action be taken against all the three. Sd/-Pappu Complainant Pappu son of Sh. Harphool, village Nandgarh, Tehsil Julana, District (Jind) Mob 8814853400 Dated 07.09.2023.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 9.9.2023. Learned counsel has further argued that the petitioner has no criminal antecedents. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the evidence available against the petitioner in the shape of disclosure statement of co-accused as also his own disclosure statement. Learned counsel has further argued that the petitioner has suffered incarceration for more than 2 years. Learned counsel has further argued that the trial is procrastinating and the folly thereof is not attributable to the petitioner. 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 15.11.2025 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 9.9.2023 wherein after investigation was carried out and challan stands presented on 15.1.2024. Total 21 prosecution witnesses have been cited and only 2 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.”

6.1 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.

6.2 As per custody certificate dated 15.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 3 days & is not shown to be involved in any other case.

6.3 Indubitably, the present petition is the 3rd attempt by the petitioner to secure regular bail. The first bail petition was withdrawn on 8.1.2025 and the last bail plea preferred by the petitioner was dismissed as withdrawn on 23.5.2025. However, keeping in view further incarceration of the petitioner for a period of about 6 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.”

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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

21.11.2025
Ashwanii

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