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2025:PHHC:156890



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: November 13, 2025

Surjeet @ Surjeet Mourya
.....Appellant
Versus
State of Haryana and others
....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Gaurav Gupta, Advocate for the appellant.
Mr. Gurmeet Singh, AAG Haryana.
None for respondent No.2.
Mr. Pawan, Advocate,
Ms. Shalini Singh, Advocate and
Mr. Ankur Grover, Advocate for respondents No.3 and 4.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST Act’) for grant of regular bail to the appellant in case bearing FIR No.357 dated 13.06.2019, registered for the offences punishable under Sections 302, 201 & 120-B of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 3 of the SC/ST Act, at Police Station Surajkund, Faridabad.

2. The gravamen of the allegations against the appellant is that on 13.06.2019, the police received a telephonic message reporting that the body of an unidentified person was floating in Badwali Lake, Faridabad. Upon receiving the information, SI Mahavir Singh, along with other police officials, reached the spot. The police recovered the body of a male, later identified as

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Sachin, son of Subhash, a resident of Parvatia Colony, Faridabad. Additionally, a bag was found floating in the lake, which, upon being opened, was found to contain the body of a female, later identified as Manisha. Based on the statement of Vijay alias Chandi, son of Ishwar Singh, who had first noticed the bodies in the lake, an FIR was registered on 13.06.2019. Subsequently, on 19.06.2019, Manisha's father submitted an application directly naming the petitioner.

3. Learned counsel for the appellant has iterated that the appellant is in custody since 26.06.2019. Learned counsel has further iterated that case of the prosecution, primarily rests on circumstantial evidence. Learned counsel has urged that the appellant has been falsely implicated into the FIR in question as father of the deceased was suspected the appellant for having an affair with the deceased. Learned counsel has also urged that private prime prosecution witnesses already stand examined. Learned counsel further urged that the appellant is in custody for the last more than 06 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 12.11.2025, and also the compliance report dated 12.11.2025 of Parhlad, Inspector, Station House Officer, Police Station, Surajkund, Faridabad, in the Court today, which are taken on record.

4.1. None appears on behalf of respondent No.2, despite service as also having been informed by the concerned Station House Officer, in compliance to the order(s) dated 28.10.2025/10.11.2025 passed by this Court; compliance report thereof has also been filed, as above.

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4.2. Learned counsel for respondents No.3 & 4 has vehemently opposed the grant of regular bail to the appellant by arguing that there are direct/ serious allegations against the appellant. Learned counsel has urged that testimony of the father, mother and sister of the deceased, unequivocally, points out towards guilt of the appellant, and thus, he ought not to be extended concession of regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The appellant was arrested on 26.06.2019, whereinafter, the investigation was carried out and the challan has been presented on 13.09.2019. Total 34 prosecution witnesses have been cited and it is an admitted case between rival counsel before this Court that only 22 prosecution witnesses have been fully examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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 appellant 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.

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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 contentions raised at Bar 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 appellant absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 12.11.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 06 years, 04 months and 17 days, & is not shown to be involved in any other FIR(s).

7. Indubitably, the present petition is the fourth attempt by the petitioner to secure regular bail. The first bail plea was dismissed on 28.08.2020, whereas, subsequent plea(s) were dismissed as withdrawn on 01.03.2023 and 08.01.2024, respectively. It would be apposite to refer herein to the withdrawal order dated 01.03.2023 passed in **CRM-M-17631-2022**, relevant whereof reads thus:

“Learned counsel for the petitioner submits that since the petitioner is in custody of about 03 years and 08 months and till date, only 08 PWs have been examined and the trial is moving at a very slow place, this petition may be disposed of with a direction to the trial Court to conclude the trial expeditiously.

Accordingly, this petition is disposed of and the trial Court is directed to conclude the trial expeditiously preferably within a period of six months from today.

The trial Court is further directed to summon the witnesses through non-bailable warrants, who are not appearing despite issuance of summons.”

Keeping in view entirety of factual *milieu* of the case in hand; especially factum of the petitioner having suffered custody for a period of more

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than 06 years and pace of the 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 appellant as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present appeal is allowed. Appellant 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 appellant shall remain bound by the following conditions:

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- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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 appellant shall not in any manner try to delay the trial.

9. 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 appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 13, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No