



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

233/2

CRM-M No.60865 of 2025

Date of decision : 27.11.2025

Date of uploading : 27.11.2025

Gurfateh Singh Bhullar @ Fateh SinghPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.S. Chauhan, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

Mr. Charanjit Singh, Advocate, for
Mr. Randeep Singh Dhaliwal, Advocate, for respondent no.2

SUMEET GOEL, J. (ORAL)

1. At the very outset, Learned counsel for the petitioner has submitted that on account of a typographical error, the petition in hand is described as first plea for regular bail, whereas the petition in hand is the second plea of the petitioner for regular bail.

1.1 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.91 dated 3.4.2025 under Sections 127(2) and 309(4) of Bharatiya Nyaya Sanhita, 2023, 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:-

'Statement of Shahnawaj S/o Ayub Rio Near Shekh Shahbuddin Masjid, Mohalla Patiyan, Ambelhata Dehat, Saharanpur, Ambehata, Uttar Pradesh, aged 24 years, Mobile No. 8630879804. Stated that I am resident of above mentioned address and drive my own truck. I had proceeded from Ambheta after loading scrap in my canter No. UK-17-CA-5453 and my friend Shamim S/o Zamil R/o Ambehata District, Saharanpur was also with me who had to go to Patilaya. Today on 03/04/2025 at around 2AM when we reached on national high way at Brahaman Maja curve a head of Mulana Markanda bridge, a Alto car of white colour came from behind and stopped in front of our truck and signaled to stop and therefore we stopped the vehicle. Out of the two boys in Alto car one of whom was a Sikh (Sardar) wearing turban came to me and told that we have secret information that there is opium etc, in your truck and hence we have to conduct search. I told them that there is nothing as such in my vehicle and on that they came inside the truck and told me to drive behind our Alto car. Thereafter they made us to stop the truck along side Raju Dhaba near Milan palace and told me to get down. Thereafter they took me in their car and told that we will release you after verification. After making me to sit in the car, they forcibly snatched my purse from me which was also containing my purse as well. There were three boys including driver in the Alto. They took out Rs. 21,000/- from my purse From there they took me towards Dosdaka (two road meeting points) and from there bring back towards Raju Dhaba They made me to call my friend Shamim from my mobile No. 8630879804 and told that tell your friend to pay Rs. 500/-, we will leave you there. I called my friend Shamin at his mobile No 628060586 from my mobile No. 8630879804 and told that give them Rs. 500/- than they will leave me. Stopping the car little ahead of Milan Palace, out of them one boy went to my friend and brought Rs. 500/-. Thereafter they took me towards Saha but ATM being closed, took me to Mahesh Nagar and reached ahead of KD Hospital. Kept me seated in the car, one boy stayed back with me and two boys out of them one was Sikh (Sardar), went inside the ATM installed there and without my around Rs. 31,000/- and therefore turn their car back towards Saha and at around 500 meters in the street, return my purse, ATM, Driving License and gave Rs. 500/- and fled away from there in their car I do not know the car number. It had yellow plate and I remember HR 8881 written on it.



Putting me under fear to kill with an bolt used to bang on wheel, snatched around Rs. 51,500/- from me Legal action against three unknown boys be taken and my money be get recovered. Statement got recorded, read over, heard and find correct. Sd/- Shahnawaj Attested Chhatar Pal ASI PS Mullana dated 03/04/2025.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 9.5.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime private prosecution witnesses namely FIR-complainant (Shahnawaj) and eye-witness (Shameen) have turned hostile, and thus, the trial is not likely to culminate into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Barara, Ambala in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 26.11.2025 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 in the present case on 9.5.2025 and is in continuous custody since then. Upon culmination of investigation, challan was presented on 1.7.2025 wherein total 18 prosecution witnesses



have been cited but none has been examined till date. Thus, culmination of trial, but of course, will take long. The rival contention raised at the Bar; including the weightage required to be attached to the testimonies of hostile witnesses 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.

6.1 As per custody certificate dated 26.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 16 days in this case. As per the said custody certificate, the petitioner is stated to be involved in 2 more cases/FIRs. 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.

6.2 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 30.7.2025. However, keeping in view the entirety of the factual milieu of the case in hand, especially the pace of the trial, the period of incarceration further undergone by the petitioner as also the prime prosecution witnesses turning hostile, 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.

2025:PHHC:164754



CRM-M No.60865 of 2025

-7-

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

(SUMEET GOEL)
JUDGE

27.11.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No