



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

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CRM-M No.65541 of 2025 (O & M)
Date of decision : 9.12.2025
Date of uploading : 10.12.2025

Shivam @ Shiva**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vishal Yadav, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

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.245 dated 5.8.2025 under Sections 190, 191(3), 115(2), 118(1), 126(2), 232(2), 351(2), 118(2) and 117(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Khol, District Rewari.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To SHO Sir, Police Station Khol Sir, I am Vijaypal S/O Rampal, resident of village Mandola, District Rewari. Today evening I was going to my farm. Pawan S/O Dharambir alongwith 8 to 10 boys while riding on auto car and motorcycle from behind came there and surrounded me and blocked my way and started saying that the case which is going on in the court, take it back otherwise we will kill you and your witnesses. Pawan



son of Dharambir hit me with an axe in his hand and his companions also started hitting me and pushed me on the ground. They also tried to kill my son by placing a tractor in front of the vehicle in the day. Legal action should be taken against them. SD/ VIJAY PAL, 9416980144,8295667736.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the injury, which has invoked Section 118(2) of the BNS (earlier Section 326 of IPC), has not been attributed to the petitioner but to co-accused Pawan. Learned counsel has further argued that the investigation *qua* the FIR in question is complete and culmination of the trial is to take long. Learned counsel has further argued that the petitioner is not named in the FIR in question but has sought to be implicated on the disclosure statement, which is untenable in law. Learned counsel has further argued that the petitioner is a young man aged 21 years and further incarceration is likely to be exposed him to peril. 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 6.12.2025. 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 14.8.2025 wherein after investigation was carried out and challan stands presented on 9.10.2025. Total 14 prosecution witnesses have been cited and it is conceded case before this Court that none has been examined till date. It is, thus, indubitable that 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 30.9.2025 since at that stage, the challan was not presented (investigation was not complete). Keeping in view the factual *milieu* of the case in hand, further incarceration of the petitioner 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.”

6.2 As per custody certificate dated 6.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 23 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR bearing No.245 dated 5.8.2025. 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/Illaq 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

9.12.2025
Ashwanii

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