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2026:PHHC:041720



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Akhilesh @ Abhishek

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: March 17, 2026
Date of Uploading: March 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Manjeet Garhwal, Advocate for
Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in FIR No.81 dated 01.03.2023, registered under Sections 302 and 201 of the IPC, at Police Station Tehsil Camp, District Panipat.

2. The gravamen of the allegations against the petitioner is that he is accused of murdering his wife in the tenanted premises where they resided with their children. It is alleged that the petitioner left the children at his sister's house in Sarangpur and, on the intervening night of 04/05.01.2023, strangled his wife. When she raised an alarm, the petitioner smothered her by pressing a pillow over her mouth. Further, it is alleged that the petitioner

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concealed the body by hiding it inside a bed/Deewan and absconded from the premises. The offence came to light only after approximately two months, when the landlord/complainant, having found the premises locked for an extended period, opened the door and discovered the body.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.03.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the case in hand is not one of the eye-witness account, but is based on circumstantial evidence as also the extra-judicial confession. Learned counsel has submitted that out of total 22 cited prosecution witnesses, only 02 have been examined till date. Learned counsel has further submitted that the petitioner is in custody for the last more than 02 years, and is not involved in any other FIR(s). Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 16.03.2026, in the Court today, 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 26.03.2023 and is in continuous custody since then. Upon culmination of investigation, challan has been presented on 15.06.2023. It is not in dispute that out of total 22 cited

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prosecution witnesses, only 02 have been examined till date. It is, thus, indubitable that conclusion of the trial will take long.

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 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.”

The rival contention raised at Bar give rise to debatable issued, 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 16.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period

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of 02 years, 11 months and 21 days, & the petitioner is not shown to be involved in any other IPC case.

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The first petition was dismissed as withdrawn on 19.08.2025. However, keeping in view the entirety of the factual *milieu* of the case in hand; especially, extended custody of the petitioner and snail pace of the trial; this Court is inclined to affirmatively consider the instant petition. 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

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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, if not required in any other case, 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 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 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.

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

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

(SUMEET GOEL)
JUDGE

March 17, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No