

2026:PHHC:080982



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2925 of 2026

Arvind ... Petitioner
Versus
State of Haryana ... Respondent

1.	The date when the judgment is reserved	20.05.2026
2.	The date when the judgment is pronounced	22.05.2026
3.	The date when the judgment is uploaded on the website	22.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Samay Sandhawalia, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Dr. Pankaj Nanhera, Senior Advocate with
Mr. Yogesh Vashistha, Advocate,
Mr. Aman Mehta, Advocate and
Mr. Shubham Kumar, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.526 dated 25.06.2024 registered under Sections 148, 149, 323, 302,

2026:PHHC:080982



307, 341, 506 and 120-B of IPC and Section 25 of Arms Act, 1959 at Police Station Camp Palwal, District Palwal. His previous petition bearing CRM-M-40353-2025 had been dismissed by this Court vide order dated 14.11.2025.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Rohit alleging therein that about two years back, the accused Brijesh had borrowed a sum of Rs.10 lakhs from his cousin brother Raj Kumar. He had not returning this amount of money and verbal altercation had taken place between Raj Kumar and him on that count. He alleged that on 08.11.2023, he along with Raj Kumar and Prem Parkash was present in the camp area market for the purpose of buying some articles when the accused Brijesh and Karamveer reached there and damaged the window panes of his vehicle and also caused injuries to them. The matter was reported to the police but with the intervention of Panchayat members of the village, a compromise was effected. Eversince then, the accused Brijesh and his family members were nursing a grudge against the complainant and his family.

3. As per the further allegations, on 25.06.2024, the complainant along with his cousin Raj Kumar had left their house in their car. When they were crossing KMP flyover, one Alto car which was driven by the present petitioner and occupied by accused Brijesh and some other persons started following them. Along with them, two more vehicles of Scorpio and Santro were moving around. Those vehicle were driven by Sanju Shastri and Karamveer. Apprehending danger, the complainant took a turn towards

2026:PHHC:080982



Village Raharna but the accused Sanjay Shastri stopped his car in front of the vehicle of the complainant thereby compelling him to stop. Accused Pawan fired a shot with pistol on his vehicle thereby damaging the window pane. Thereafter, the petitioner along with the other accused alighted from the vehicles. Accused Sanju Shastri and Deva proclaimed that Raj Kumar should be killed and then the complainant and Raj Kumar were pulled out of his vehicle by accused Karamveer and Deva. A pistol was handed over to the petitioner by accused Deva and he started firing shots thereby injuring the complainant. Raj Kumar was also shot at by Brijesh and Sanju Shastri. Both of them had fallen down and then the assailants fled from the spot. The complainant somehow gave information to his family members and they were taken to hospital but Raj Kumar had succumbed to the injuries sustained by him.

4. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of Raj Kumar was conducted. The accused Brijesh Kumar was arrested on 30.06.2024. He suffered disclosure statement admitting his involvement in the crime and got recovered Santro car used at the time of occurrence. The petitioner was arrested on 24.07.2024. He too suffered disclosure statement admitting his involvement in the crime and got recovered Alto car used in the occurrence besides demarcating the place of occurrence. Subsequently, other accused were also arrested. Investigation now stands concluded.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Seven out of nine persons named in the

2026:PHHC:080982



FIR have been found to be innocent and this fact itself proves the falsity of the version of the complainant. His previous petition had been dismissed about six months back and he is in continuous incarceration since 24.07.2024. However, there is not much progress in the trial as only 01 out of 27 prosecution witnesses has been examined so far. His antecedents are clean. The injury that proved fatal for the victim Raj Kumar has not been attributed to him but to co-accused Brijesh. There are no chances of conclusion of trial in near future. No useful purpose would be served by his further incarceration. Each day spent by him in custody has furnished a fresh ground to him to seek concession of bail. It is, thus, argued that the petition deserves to be allowed.

6. Per contra, learned State counsel assisted by learned Senior counsel for the complainant has vehemently argued that the petition is not maintainable being second petition for grant of bail. The previous petition as filed by the petitioner had been dismissed on 14.11.2025 by passing a detailed order. There is no drastic or material change in the circumstances. The delay in proceeding further with the trial has to be attributed to the petitioner. Even on the last date of hearing before the learned trial Court i.e. on 07.05.2026, three material witnesses of the prosecution who had appeared for their examination, were not examined on request of learned counsel for the petitioner. As such, the delay cannot be stated to be attributed to the respondent-State. It is, therefore, stressed that the petition does not deserve to be allowed.

7.

This Court has considered the rival submissions.

2026:PHHC:080982



8. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed.

9. The petitioner accompanied by the co-accused is alleged to have used firearms thereby causing injuries to the complainant and his cousin brother Raj Kumar. The injury sustained by Raj Kumar had resulted in his homicidal death whereas the firearm injuries which have been specifically attributed to the petitioner as sustained by the complainant had been opined to be dangerous to life. The active complicity of the petitioner in commission of the subject offences stands prima facie established. These allegations are quite serious in nature. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence.

10. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and

2026:PHHC:080982



circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

11. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.05.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No