

2026:PHHC:066206



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3637 of 2026

Vishal @ Nanak ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	28.04.2026
2.	The date when the judgment is pronounced	30.04.2026
3.	The date when the judgment is uploaded on the website	30.04.2026
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. Gaurav Vir Singh Behl, Advocate and
Mr. Jugraj Singh Chouhan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

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

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No.0072 dated 14.12.2022 registered under Sections 302, 307, 394, 397 and 34 of IPC at Police Station GRP Rohtak, District GRP Ambala Cantt. The previous petition bearing CRM-M-28778-2025 had been dismissed by this Court vide order dated 04.09.2025 by making the following observations:-

“6. The petitioner along with the co-accused is alleged to have intercepted the victim- Vikas, complainant and their companion Ramakesh on the night of 13.12.2022 and is alleged to have committed the offence of dacoity and on resistance made by the victim Vikas, who to snatch his money is alleged to have inflicted several blows with a knife on his person thereby causing his homicidal death. The allegations against the petitioner are quite grave and serious in nature. He was duly identified by the complainant. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds 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)***. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment upon the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly,

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the same is dismissed.”

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of about 3 years and 4 months. The trial has not progressed much further and chances of conclusion of the same in near future are bleak. His continued detention would not serve any useful purpose. One witness Rajesh Kumar Gupta has turned hostile. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. His prolonged incarceration militates against his fundamental right of personal liberty. It is, therefore, argued that the petition deserves to be allowed.

3. Status report and custody certificate have been filed. Learned Assistant Advocate General, Haryana has vehemently argued that the petition is not maintainable being a successive petition. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. There is no substantial or drastic change in the circumstances. Only on account of his prolonged custody, the petitioner cannot claim concession of bail. The trial is going on at a proper pace as 07 out of 30 prosecution witnesses stand examined. It may be expedited further. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has heard learned counsel for the parties at considerable length.

5. The petitioner in connivance with the co-accused is alleged to have robbed the victim Vikas and then to have inflicted blows with knife on

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his person thereby causing his death. The complainant who was accompanying the victim at the fateful night, has identified him. The fact that one of the witnesses has turned hostile cannot be considered to be a reason for extending benefit of bail to the petitioner as he was not an eye witness to the occurrence. The allegations against him are serious in nature. There is no substantial or drastic change in the circumstances. Undoubtedly, a successive petition for grant of bail is maintainable but for such petition to be allowed, the petitioner must show some substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. Reference in this regard can be had to the observations made by this Court in *Rafiq Khan Versus State of Haryana and another*, **2024:PHHC:054064**. Taking into consideration the above discussed facts, the serious nature of the accusations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

30.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No