

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

2026:PHHC:021905



126

CRM-M-4827-2026

Date of decision: 12.02.2026

Date of uploading: 12.02.2026

Pardeep @ Patwari

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. The present petition is preferred on behalf of the petitioner under Section 483 of BNSS 2023 for grant of regular bail in case bearing FIR No.17 dated 13.01.2020, registered for the offences punishable under Sections 302, 201, 34 of IPC and Section 25 of the Arms Act, at Police Station Mundkati, District Palwal.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“To SHO PS Mudankti Palwal. Sir, Itis submitted that 1,
Virerdar son of Rami resident of village Phulwadi Tehsil and*

District Palwal. I work at Toll Tax Tumsara. Today on 13.01.2020 at around 2 PM I was coming to my village Phulwadi after meeting with the Manager. Then my cousin namley Satender son of Rami was going from village Phulwadi towards Toll Plaza Tumsara when Satender reached in front of MVN College Two with two boys on each bike were following him. They way laid Satender from the front and shot him in his chest. This incident happened around 2 PM. I ran and reached my cousin Satender and meanwhile all those four boys fled from the spot. A large crowd gathered at the spot. One of them called the Ambulance the ambulance arrived at the spot Satender was taken to the hospital where the doctor examined Satender and declared him dead. Legal action be taken against the accused.”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 19.01.2020. Learned counsel appearing for the petitioner has submitted that the petitioner was not named in the FIR in question and came to be nominated on the basis of a supplementary statement made by the FIR-complainant. Learned counsel appearing for the petitioner has further submitted that there is no tangible evidence available on record against the petitioner. Learned counsel appearing for the petitioner has further submitted that the petitioner was extended the concession of interim bail vide order dated 07.12.2023 passed in **CRM-M-60590-2023** (Annexure P-4), which was not misused by the petitioner and he surrendered back in time. Learned counsel appearing for the petitioner has further iterated that the petitioner has suffered incarceration for more than 6 years. Learned counsel appearing for the petitioner has further submitted that prime prosecution evidence already stands examined and there is no chance of the petitioner interfering with the witnesses. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.02.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 19.1.2020 whereinafter investigation was carried out and challan was presented on 10.04.2020. Total 27 prosecution witnesses have been cited and out of which 23 have been examined till date. It is not in dispute that all private prime witnesses already stand recorded. The rival contentions raised at Bar 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 second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-52801-2022 was dismissed as withdrawn on 05.07.2023 (Annexure P-3). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of 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. Further, as per custody certificate dated 03.02.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 6 years and 4 days & is stated to be involved in two more FIRs. 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 12, 2026
Naveen

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