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

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**CRM-M No.5656 of 2026
Date of decision: 22.05.2026**

Arya Kumar @ Aryan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Bishnoi Abhimanyu, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

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.42 dated 18.04.2024 registered under Sections 302, 307, 120-B and 34 of IPC and Sections 25 and 27 of Arms Act, 1959 (For short "Act, 1959") (Section 201 of IPC and Section 29(a) of Act, 1959 added later on) at

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Police Station Moohana, District Sonipat. His previous petition bearing CRM-M-52817-2024 had been dismissed by this Court vide order dated 05.08.2025 by passing the following order:-

“6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the accused Akhil, Nikhil and Prince are alleged to have committed murder of the victim by firing shots with pistols upon him. Though it is not the allegation against the petitioner that he was the actual assailant of the victim but the allegations against him are that he was the mastermind of the crime and after hatching conspiracy had even arranged weapons for the co-accused to kill the victim and the co-accused had killed him. The allegations against the petitioner are serious in nature. The complainant Rohtash, who was also an eye-witness to the occurrence has been examined and has supported the prosecution version. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in prolonged incarceration of about 02 years. After dismissal of his previous petition, there has not been much progress in the trial. His prolonged incarceration militates against his fundamental right of liberty as well as speedy trial.

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His continued detention would not serve any useful purpose. Each day spent by him in custody has given a fresh ground to him to seek bail. It is, thus, argued that the petition deserves to be allowed.

3. Per contra, learned State counsel has argued that the petition is not maintainable as the same being a successive petition. There are serious allegations against the petitioner. The trial is going on at a proper pace. There is no drastic or substantial change in the circumstances. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. 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. The petitioner is alleged to have hatched a conspiracy with the co-accused to eliminate the victim and in pursuance thereof, the homicidal death of the victim was caused. The previous petition as filed by the petitioner had

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been dismissed by passing a detailed order. There cannot be stated to be any undue delay in proceeding of the trial since as many as 13 out of 19 prosecution witnesses have already been examined. Meaning thereby that it is going on at a good pace. 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. 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 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.

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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.

6. 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
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No