



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

247

**CRM-M No.10666 of 2026
Date of decision : 24.3.2026
Date of uploading : 25.3.2026**

Robin**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manoj Kumar Taya, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present 2nd petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.255 dated 30.6.2023 under Sections 323, 307, 387, 506, 34, 120-B of the IPC and Section 25 of Arms Act, 1959, registered at Police Station City Thanesar, District Kurukshetra.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To the SHO Sahib police station city Thanesar, it is requested that I am sanjay kumar, son of premchand, resident of village Kirmach and I have ILETS, PTE Centre In the name of BOORA OVERSEAS in sec -10, Kurukshetra, today on 30.06.2023, I was in my office, my father in law (Bhagat Singh) had left my wife and my son (Max) at my office and I left my office in car bearing no HR0100057 Audi with my wife and my son for



my home and my driver (Balram son of Jaipal) was driving my car and at 5.00 pm when my car going from Udham Singh chowk to Sunderpur bridge kurkshetra, then two youths on a bike attacked our car from behind with the intention to kill us or they opened fired on us and fired 7/8 round on us. We saved our lives by bending down in the car and in this attack, my Driver Balram got hit by a bullet on his face and when the driver stopped the car on the bridge, both the unknown youths took their bike to Brahmanand chowk and I could identify both them if they presented before me and immediately after this deadly attack, a threat call came to my office and informed me by calling my employee Heena by her mobile no. (7419020057) to my mobile no. (9729700057)., that I have sent that voice recording on your whatsapp. This threat has come in voice recording from mobile no. 351929151815, which said in the recording that Sanjay is speaking right?, I am Aman sambhi member of Ankush kamalpur gang, and saying you call and contact us, it will be beneficial. Today you are saved, next time will not be saved, extortion is required from you, if you not pay the full R s 1 crore, then next time my target will not miss. Ankush kamalpur and priyavarat Foji gave message that you will give this extortion, if you not give extortion then there will be loss for which you is responsible. Search on internet what is Ankush Kamalpur gang. Therefore, unknown youths have opened fire on me with the intention of killing me or my family for extortion money. Legal action should be taken. Sd/-Sanjay Kumar dated 30.6.2023.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.7.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witness namely PW-Balram and PW-Sanjay have turned hostile. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 2 years and 8 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 23.3.2026 in Court, 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 11.7.2023 wherein after investigation was carried out; challan was prepared on 29.8.2023 and subsequently filed. Total 44 prosecution witnesses have been cited, out of which only 25 have been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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 issues



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 23.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 8 months and 11 days. As per the said custody certificate, the petitioner is stated to be involved in 4 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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*.

6.2 Indubitably, the present petition is the 2nd attempt by the



petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 14.10.2025 wherein the following order was passed:

1. *Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.255 dated 30.6.2023, under Sections 323, 307, 387, 506, 34 and 120-B of IPC and Section 25 of Arms Act, registered at Police Station City Thanesar, District Kurukshetra.*
2. *Learned counsel appearing for the petitioner, after arguing for some time, seeks to withdraw the petition in hand at this stage. He has, however, submitted that the trial Court be directed to record the testimony of PW-Sanjay Kumar at the earliest in accordance with law.*
3. *Ordered accordingly.'*

6.3 It is not in dispute before this Court that above referred witness namely PW-Sanjay stands examined and turned hostile. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the extended incarceration of the petitioner, pace of the trial and PW-Sanjay having turned hostile, 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.”

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 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 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.

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.

(SUMEET GOEL)
JUDGE

24.3.2026
Ashwanii

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