



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

242

CRM-M-11035-2026

Date of decision : 19.03.2026

Date of uploading : 19.03.2026

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Khatkar, 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.19 dated 17.01.2025 under Sections 103(1), 238(A), 111(4), 111(2), 111(3), 111(5), 111(6), 253 and 61(2) of BNS, registered at Police Station Kalayat.

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

“Statement Of Jogi Ram son of Telu Ram resident of Ward No. 8 Kalayat, Police Station Kalayat District Kaithal Age about 65 years old Mobile No. 9802577725 stated that I am a resident of the above name and address and do farming. I have taken on contract 2.5 acre land of Monu son of Subhash resident of Ward No. 8 Kalayat on Mator Road, in which I have sown wheat. I went to the field at around 8:45 in the morning to collect grain from the field. I saw that there was a huge crowd on Mator road side, there are fields adjacent to the road on my mator road, there was a dead body of an unknown woman whose head was crushed and the woman's backside and one leg were eaten by stray dogs and in the toe of the other leg was a silver anklet and a socks. There were two blankets lying on the road and the unpaved ground next to the road, on which there were marks of the girl being crushed and a silver anklet was lying on the blanket. Both the shoes were lying on the side of the road and a socks was



lying on the unpaved ground. At a distance of about 2 acres, a truck ten wheeler no. HR-56B-0249 was lying in the ditch. It appears that some unknown persons have killed an unknown woman of about 30/35 years of age and kept her on the side of the road and an unknown vehicle crushed the unknown woman and stray dogs dragged the body of the woman to my wheat field and ate the flesh of her legs and backside of body. Action should be taken against the unknown person and the deceased woman should be identified. I have written my statement to you, it is okay if you have read it. Today on 17-01-2025, information was received at the police station from Dial 112 that an accident is taking place on Mator Road Kalayat and the body of an unknown woman is lying there. The above statement of Jogiram was recorded, which on inspection of the statement and the scene of crime under sections 103(1), 238(a) BNS 2023 was found to have been committed, S/D.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.01.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the prime role ascribed to the petitioner is that of harbouring the main accused, namely Dalbir Singh, who is actually involved in committing the murder. Learned counsel has further submitted that a somewhat similarly placed co-accused, namely Amir Singh, has been granted the concession of regular bail vide order dated 18.02.2026 passed in CRM-M-51686-2025. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 1 year. Learned counsel has further urged that the petitioner has clean antecedents. 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 18.03.2026 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 30.01.2025 whereinafter investigation was carried out and challan qua him was presented on 18.04.2025. Total 57 prosecution witnesses have been cited but 3 has been examined till date. It is thus indubitable that culmination of trial will take its own time. 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.”

6.1 The rival contentions raised by learned counsel 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.

6.2 As per custody certificate dated 18.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 1 months and 18 days and is not shown to be involved in any other case.

6.3 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 28.07.2025. Keeping in view the entire factual milieu of the case in hand and extended incarceration of the petitioner for a period of about 1 year, pace of the 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.”

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/Illaqa 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.

(SUMEET GOEL)
JUDGE

19.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No