

CRM-M-11209-2026

2026:PHHC:037137



149
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-11209-2026

Deepak @ Dhilla @ Romio
.....Petitioner
Versus
State of Haryana
...Respondent

Date of Decision: March 11, 2026
Date of Uploading: March 11, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Sanpreet Sandhu, Advocate for the petitioner.
Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the BNSS (Section 439 of the Cr. P.C.) seeking grant of regular bail to the petitioner, in case bearing FIR No.41 dated 22.01.2023, registered for the offences punishable under Sections 302, 34 of the IPC, 1860 AND Section 25 of the Arms Act, 1959, at Police Station Sampla, District Rohtak.

2. The gravamen of the FIR in question is that the complainant, namely, Tokh Ram stated that on 22.01.2023, he received information that his son – Manish was lying dead in a street of village Pakasma. Upon receiving the said information, the complainant along with other villagers reached the spot and found Manish lying dead with a gunshot injury on his chest. On the basis of suspicion, the complainant alleged that some unknown person had committed the murder of his son during the intervening night of 21/22.01.2023.

CRM-M-11209-2026

During the course of investigation, the petitioner was found involved in the alleged occurrence and was arrested on 24.01.2023. Pursuant to the disclosure statements of the petitioner, he got recovered one country-made pistol, one empty cartridge and one Samsung mobile phone of black colour. The petitioner also disclosed that the aforesaid country-made pistol had been procured by him from co-accused – Rohit alias Chhota.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.01.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner was not specifically named in the FIR in question, but was subsequently named on account of a supplementary statement made by the FIR-complainant. Learned counsel has submitted that the said FIR-complainant has been examined as prosecution witness and has turned hostile. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 03 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that firearm used in the murder has been recovered at the instance of the petitioner and ballistic report thereof matches and confirms the case of the prosecution. Learned State counsel seeks to place on record the custody certificate dated 10.03.2026, in the Court today, which is taken on record.

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

CRM-M-11209-2026

6. The petitioner was arrested on 24.01.2023, whereinafter, the investigation was carried out and the challan has been presented on 11.09.2023. Total 24 prosecution witnesses have been cited, out of which, only 07 have been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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; including weightage required to be attached to the testimony of the hostile witness; 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.

CRM-M-11209-2026

6.1. As per custody certificate dated 10.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 years, 01 months and 15 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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*.

6.3. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The first petition was dismissed by this Court, on 14.02.2025, on merits thereof. However, keeping in view the entirety of the factual *milieu* of the case in hand; especially, extended custody of the petitioner and the FIR-complainant (Tokh Ram) having been examined on 03.02.2026, i.e., after the date of earlier dismissal and said witness having been turned hostile; this Court is inclined to affirmatively consider the instant petition. 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:

CRM-M-11209-2026

“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, if not required in any other case, 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.

CRM-M-11209-2026

- (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 cellphone 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 11, 2026
mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No