



CRM-M No. 15140-2026

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

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CRM-M No. 15140-2026

Date of decision : 23.04.2026

Date of uploading : 23.04.2026

Pankaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Pinki Mehla, 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.446 dated 06.07.2025 under Sections 308(4) of BNS and Section 238(a) of BNS added later on, registered at Police Station Gurgaon, District Gurugram.

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

"Subject: Complaint of Extortion and Death Threats Sir, I humbly request that I am a resident of JMD Garden. I have been living here peacefully with my family (wife and two sons) since 2012. I am a respected member of society and a retired professor from the Haryana Government. I retired from Sector 9 College, Gurugram in January 2021. Since February 2023, I have been serving the community as Treasurer of an RWA. Last Friday, June 27th, I received a WhatsApp call at 8:08 pm from an unknown phone number (9992807357) demanding a ransom of ₹5 lakh or threatening to shoot me at the gate of JMD Garden. The caller identified himself as the Rohit Godara and stated his affiliation with Lawrence Bishnoi gang. At the time of the call, JMD Garden was in the same building. I was playing cards at the MD Club with my friends, Mr. Ramesh Arora, Mr. Laxman Singh, and Mrs. Neeta Goyal. When I received a call at 8:08 PM, I panicked and put my phone on speaker. Everyone heard our conversation.



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*I deliberately switched it off mid-call. My friends suggested turning my phone back on and recording it. I thought it was appropriate. I prepared to record from someone else's phone and turned my phone back. After turning my phone on, another call came at 8:09 PM, which we recorded together. There were four calls in total: the third at 8:13 PM and the fourth at 8:14 PM, which we recorded. The caller also claimed to have sent of a scanner and demanded an immediate transfer of 50,000 rupees. When I checked the WhatsApp chat again on my phone, I found that the caller had also sent the Google Pay QR Code and UPI ID bhoriakhushi399-3@okaxis person named Shubham Bhoria of Sarva Haryana Gramin Bank, Rohtak (Bank account ending with ***5698) and two missed calls had also come at 08:00 pm and 08:03 pm, and the message 'Rohit Godara Bishnoi gang and MD gate pe goli mard jayegi' was also received. The caller's phone number, call recording, QR code details and chat transcript record are attached in a pen drive along with the complaint. I request you to thoroughly investigate this case, register an FIR so that my life and property can be protected."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.08.2025. 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 petitioner had merely extended a threat to the victim for extorting money but did not take any further steps to effectuate the same. Learned counsel has further argued that the custody since for the last 8 months and trial is procrastinating folly thereof is not attributable to the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of dated 14.04.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 21.04.2026 in Court, which is taken on record.



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

6. The petitioner was arrested on 04.08.2025 wherein after investigation was carried out and challan stands presented on 01.10.2025. Total 14 prosecution witnesses have been cited but none 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.”

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.



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6.1 As per custody certificate dated 21.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 18 days & is shown to be involved in other case. As per the said custody certificate, the petitioner is stated to be involved in 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 21.11.2025. Keeping in view the entire factual milieu of the case in hand, the extended incarceration of the petitioner, and the snail 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



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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.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

23.04.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No