



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

226

CRM-M-13514-2026

Date of decision : 20.4.2026

Date of uploading : 20.4.2026

Shahbaz Alias Sheru

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anshul Khurana, Advocate, for the petitioner

Mr. Deepak Kumar Grewal, DAG, 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 bearing FIR No.174 dated 30.8.2025, registered for the offences punishable under Sections 115, 117(2), 190, 191(3), 311 and 351(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sector 31, Ballabgarh, Faridabad.

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, Police Station Faridabad, Sector 31, Sir, It is Requested that I, Manish S/o Pawan, Permanent resident of Village, Fatehpura, Sadan, District Agra. My brother-in-law namely Sachin is a distributor of Amul Milk. Today, on 30.08.2025, at approximately 04:30 AM, I along with others got down from vehicle No.-HR 38 AD 3368 at IMT and after unloading the milk separately, when we reached Anuradha's shop in SLF Mall Spring Field Colony Rajiv Nagar, Amit who is a distributor of Mother Dairy, who was already present there, was surrounded by 10-15



boys and they were beating him, so Amit called us for help. As soon as Sachin and I got down from the vehicle, those 10-15 boys started attacking us indiscriminately with rods, sticks, rods, knives and blades, so Amit ran away from there. They beat us severely and fled, taking both our mobile phones and a bag containing 12,000 rupees. They threatened to kill us if we complained to the police or were seen there again. We lay there injured. After some time, my brother-in-law's brother Satyapal and Ashok came there, who with the help of our friends got us admitted in ASIAN HOSPITAL SEC 21. Our mobile no. are 9971726985, 8958504556 respectively. My brother-in-law and I have very serious injuries. Sir, I request you to take strictest action against these 10-15 boys. On asking around, some boys told the names of 4-5 boys. Rohit, Sachin, Ritesh, Sonu alias Gulshan and 7-8 others. Signature-Manish Applicant Mansih.'

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 15.9.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner is a young man aged 20 years with no criminal antecedents. Learned counsel has further argued that one Manish is stated to have been received a fracture but specific attribution *qua* the petitioner is not there. 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 08.04.2026 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 15.9.2025, whereinafter, the investigation was carried out and the challan *qua* the petitioner was



presented on 21.11.2025. Total 27 prosecution witnesses have been cited and it is conceded case of the parties that none has been examined till date. 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 8.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 24 days & is not shown to be involved in any other case.

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 27.02.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in 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

20.4.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No