



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

CRM-M-15792-2026

Date of Decision: 27.03.2026

Date of Uploading: 27.03.2026

Abhishek

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Yashwant Singh Rathore, Advocate and
Ms. Sudha Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

SUMEET GOEL, J.(Oral)

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (corresponding Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.198 dated 15.08.2024 under Sections 103(1) and 3(5) of the BNS, 2023 (corresponding Sections 302 and 34 of IPC), registered at Police Station Nigdu, District Karnal.

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 Station House Officer, Police Station Nigdu, Karnal. Subject: Application regarding taking strict legal action against: 1. Anil Kumar, son of Premchand, resident of Village Mohdi Jagir, Nigdu, District Karnal, 2. Abhishek, son of Unknown, 3. Ajay, son of Unknown, resident of Village Sitamai, District Karnal, 4. Nikku, son of Unknown, Resident of Nigdu, 5. Sahil son of Unknown, Resident of Koyar, District Karnal, and 4-5, other accused, who with common

intention and with Conspiracy, Regarding murder of son of complainant, namely Sunil, son of Shri Bir Singh, resident of village Mohdi Jagir, Nigdu District Karnal. Respected Sir, It is submitted that I, Bir Singh, son of Surta Ram, resident of Village Mohdi Jagir, Police Station Nigdu, District Karnal, am a resident of the above said village. That Yesterday Dated: 14.08.2024 at around 8:00 (at night), a boy of our village namely Anil Kumar (Accused No. 1), son of Shri Prem Chand, called my son Sunil and took him along in the presence of Me and Sunil's wife Pooja. When Sunil did not return home till late night, we searched for him and also for the above said Anil Kumar here and there, but they could not be found anywhere. It is further submitted that my son had several times arguments with Anil Kumar, Abhishek, Ajay, Nikku and Sahil. On many occasions they had also threatened my son Sunil that they would see him in future. The above said accused persons were keeping enmity in their minds against Sunil. That today Dated 15.08.2024 in the Morning at around 9:00, we came to know that my son Sunil was lying dead in a naked condition on the Panchayat land situated about 1½ kilometres away from our village, near the roadside where grass had grown. There were no clothes on his body and there were several injury marks on his body. I suspect that my son Sunil has been murdered by Anil Kumar of our village in collusion with the above-mentioned accused persons, and the accused persons may also have committed some wrongful act with him. Therefore, it is prayed that keeping in view of the above facts, strict legal action be taken against the above-mentioned accused persons who, in collusion with each other, conspired and murdered the applicants son Sunil, and justice be provided to the applicant. I shall be highly obliged. Thanking you."

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 19.08.2024. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the case in hand is not of an eye-witness account. Learned counsel has further submitted that a perusal of the FIR reflects that one co-accused, namely, Anil had come to the house of the deceased and had taken away the deceased on some pretext whereinafter the deceased was murdered but the said person, namely, Anil had been found innocent by the police. Learned counsel has submitted that the petitioner has suffered incarceration for more than 01 year and 07 months and he is not involved in any other case. Hence, 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 27.03.2026 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 19.08.2024 whereinafter investigation was carried out and Challan was presented qua the petitioner on 13.11.2024. Initially, the charge-sheet was framed against the petitioner on 17.01.2025 and thereafter, the charge-sheet was re-framed on 19.03.2026. It is not disputed that total 26 prosecution witnesses have been cited, out of whom none has been examined till date. The rival contentions raised at Bar give rise to debatable issues 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.

6.1. As per custody certificate dated 27.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 07 months and 05 days & is stated to be not involved in any other case/FIR.

6.2. Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The first bail plea preferred by the petitioner was withdrawn on 24.01.2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the pace of the trial and

extended incarceration of the petitioner, 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.

March 27, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No