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

CRM-M-15618-2026**Date of Decision: 27.03.2026****Date of Uploading: 27.03.2026**

Ankush

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikram Singh Lakhlan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, 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.808 dated 12.11.2020 under Sections 302, 323, 324, 34 IPC [corresponding Sections 103, 115(2), 118, 3(5) of the BNS, 2023] and Section 25 of the Arms Act, registered at Police Station HTM, Hisar, District Hisar.

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 Rohit alias Monty son of Surender resident of Pratap Nagar Padav Chowk Hisar, age 19 years, Mobile No. 99910 48373, stated that I am a resident of the above address and study in class 101. Last night at around 11.30 PM, I, Sonu son of Madanlal resident of Tibadanasher and Arun son of Rajesh resident of Tibadanasher Hisar had gone to eat at Baba Hotel on the main road near the new

vegetable market. I started eating inside the hotel and Sonu and Arun were standing outside the hotel and getting their food packed. Meanwhile, Sagar alias Chilli, Deepak alias Pyasa, and Ankit alias Jharutia residents of Bharat Nagar Hisar came at Baba Hotel and started taunting Sonu and Arun standing outside that these are flour peoples, why should we talk to them. On this matter, Sonu and Arun got into an argument with those three and seeing the fight, I also came in between them to mediate and tried to make them understand, then all three said that today they will settle the score with Sonu. The reason for the fight was that Sonu and Deepak had had an argument earlier. When the three of us started leaving from there, Deepak, Sagar and Ankit stopped us at about 10 steps from the hotel and took out knives from their respective dubb and attacked us together. Deepak said that we have to kill Sonu today. As soon as I saw him, Sagar and Ankit caught Sonu and Deepak hit Sonu in the stomach with the knife he was holding in his hand. Sonu fell down after being hit. Then all three of them rushed towards Arun and Arun ran away to save his life. Then Sagar and Ankit attacked me with Churi and Sagar's Churi hit my nose and lips and Akint's Churi hit my left cheek and right palm. In the fight, it also hit my left leg thumb. Meanwhile Sonu's brother Manish arrived at the spot. Seeing Manish, all three fled on their motorcycles with their weapons. Then Manish and I together picked up Sonu and brought him to the main road. Meanwhile, my uncle Vedprakash also reached the spot after getting the information. Manish and my uncle Vedprakash arranged for a vehicle and took Sonu and me to the Government Hospital, Hisar. There the doctor declared Sonu dead and admitted me for treatment. Sagar alias Chilli, Deepak son of Pyasa and Akint alias Jharutiya together stabbed Sonu and me, due to which I got injured and Sonu died. Legal action should be taken against these three. The statement has been written, I have read it, I have understood it, it is okay."

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 12.11.2020. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the petitioner's name was not earlier mentioned in the FIR but he has been implicated later-on on the basis of supplementary statement of brother of the deceased, namely, Manish. Learned counsel has further submitted that the petitioner is in custody for more than 05 years. Learned counsel has further submitted that the FIR-complainant, namely, Rohit is not coming forward to have his testimony recorded despite repeated efforts by the concerned trial Court. 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 25.03.2026 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 12.11.2020 whereinafter investigation was carried out and Challan was presented qua the petitioner on 02.02.2021. It is not disputed that total 26 prosecution witnesses have been cited, out of whom 18 stand examined till date. A perusal of the record does reflect that the FIR-complainant, namely, Rohit is not repeatedly turning up to have his testimony recorded and folly thereof cannot be attributed to the petitioner.

6.1. 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.

6.2. As per custody certificate dated 25.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 05 years, 03 months and 16 days. Further, as per the said custody certificate the petitioner is stated to be involved in another case/FIR.

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 2nd attempt by the petitioner to secure regular bail. The first bail plea preferred by the petitioner was withdrawn on 09.12.2024. 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