

2026:PHHC:060670



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15955 of 2026

Kailash Chander ... Petitioner

Versus

The State of Haryana ... Respondent

1.	The date when the judgment is reserved	21.04.2026
2.	The date when the judgment is pronounced	22.04.2026
3.	The date when the judgment is uploaded on the website	22.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parshant Sethi, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.618 dated 31.10.2023 registered under Section 302 of IPC (Sections 201 and 34 of IPC added later on) at Police Station Adampur, District

2026:PHHC:060670



Hisar, Haryana. His previous petition bearing CRM-M-25998-2024 had been dismissed by this Court on 16.10.2024.

2. As per the allegations, the victim Inderaj had left his house for taking a walk on the evening of 30.10.2023 and did not return. His dead body was found lying in a drain in the next morning. On the statement of complainant Subhash Chander, son of the deceased, the aforementioned FIR was registered. He recorded a supplementary statement to the effect that the accused Bhago Devi wife of accused Sahab Ram had disclosed to him that the victim had come to their house on the fateful evening, that an altercation had taken place between them and that the present petitioner who is relative of Bhago Devi along with the co-accused Monu and Sandeep Kumar, had caused death of the victim by pressing his mouth with a pillow. The petitioner was arrested on 06.11.2023. Co-accused were also arrested.

3. The previous petition as filed by the petitioner had been dismissed by this Court by making the following observations:-

“6. The petitioner along with the co-accused is alleged to have entered into an altercation with the deceased Inder Raj when he had visited the house of co-accused Bhago Devi on the evening of 30.10.2023, in his presence and is further alleged to have participated in the act of causing death of the victim by catching hold of his arms when one of the co-accused caught hold legs of the victim, whereas another pressed his mouth with a pillow. The victim is shown to have died unnatural death. Chemical examination report is still awaited. No doubt, no definite cause of death has been mentioned in the post-mortem report, however, still, it can be inferred that the victim has not died a natural death. The allegations

2026:PHHC:060670



against the petitioner are serious in nature. The trial has commenced. At this stage, there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

4. It is argued by learned counsel for the petitioner that he has been in custody continuously since 06.11.2023. There are no chances of conclusion of trial in near future as only 03 witnesses have been examined so far. Each day spent by him in custody has furnished a ground afresh to seek concession of bail. Even otherwise, the case is resting upon circumstantial evidence which is of a weak nature. No useful purpose would be served by detaining him in custody any more. It is, hence, argued that the petition deserves to be allowed.

5. Per contra, learned Assistant Advocate General, Haryana while relying upon the status report has vehemently argued that the allegations against the petitioner are serious in nature. His previous petition had been dismissed by passing a detailed order. Three out of nineteen witnesses have been examined. The trial may be expedited further. The prolonged incarceration of the petitioner cannot be considered to be a reason for extending benefit of bail to him. It is, therefore, argued that the petition does not deserve to be allowed.

2026:PHHC:060670



6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have actively participated in the act of causing homicidal death of the victim. The allegations against him are quite serious in nature. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. No doubt, successive petition for grant of bail is maintainable but for the purpose of allowing the same, the Court is required to see that there is some substantive and drastic change in the circumstances. However, no such change has been pointed out in this case except that the incarceration of the petitioner has been prolonged. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only

2026:PHHC:060670



the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.04.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No