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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17376 of 2026

Nadeem ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	28.04.2026
2.	The date when the judgment is pronounced	30.04.2026
3.	The date when the judgment is uploaded on the website	30.04.2026
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. Sunil K.S. Panwar, Senior Advocate with
Mr. Dhruv Singh, Advocate and
Ms. Tejaswini, 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,

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2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.988 dated 08.12.2023 registered under Sections 346 and 302 of IPC (Section 201 of IPC added later on) at Police Station Yamuna Nagar City, District Yamuna Nagar. His previous petition bearing No.CRM-M-18095 of 2025 had been dismissed by this Court vide order dated 29.07.2025 by making the following observations:-

“6. The petitioner is alleged to have called the victim on the night of 06.12.2023 in a vacant plot where he consumed smack along with him. He is further alleged to have an altercation with the victim. He kicked the victim on his private part which resulted into his becoming unconscious and then he is alleged to have strangled the victim. As per the postmortem report, multiple bruises were found on the dead body and cause of death is shown to be constriction of neck consequent upon ligature strangulation and its complications. The respondent-State has also placed on record Annexure R-7 copy of call detail record of the mobile phones of the victim and the petitioner which show that some calls were exchanged between them on the day of occurrence. The allegations against the petitioner are serious in nature. Keeping in view the gravity thereof, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

2. It is argued by learned counsel for the petitioner that after dismissal of the previous petition, the trial has not progressed much further as only 08 out of 20 prosecution witnesses have been examined. However,

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the complainant as well as his son have been examined. As such, there are no chances of petitioner's intimidating any material witness. He is in custody since long. The trial will take considerable time to conclude. There is no eye witness to the occurrence. The case is resting upon circumstantial evidence. No useful purpose would be served by detaining him in custody any more. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. It is, thus, argued that the petition deserves to be allowed.

3. Per contra, learned Assistant Advocate General, Haryana while relying upon the status report and custody certificate, has vehemently argued that the allegations against the petitioner are serious in nature. His previous petition had been dismissed by passing a detailed order. There is no substantial or drastic change in the circumstances. The trial is going at a proper pace and may be expedited further. The petitioner was the person who had lastly called the victim. Some other calls were also exchanged between them on the day of occurrence. He was even seen following the victim on the fateful night. There are chances of his absconding or committing similar offences, if extended benefit of bail. Only on account of his prolonged incarceration in a case like this, he cannot be extended benefit of bail. It is, thus argued that the petition does not deserve to be allowed.

4. This Court has heard learned counsel for the parties at considerable length.

5. So far as the question of maintainability of this petition being successive petition is concerned, the well settled proposition of law is that a

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successive petition is maintainable. However, for such petition to be allowed, the petitioner must show some substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. Reference in this regard can be had to the observations made by this Court in ***Rafiq Khan Versus State of Haryana and another, 2024:PHHC:054064***. In the instant case, however, there does not appear to be any substantial or drastic change in the circumstances. The previous petition as filed by the petitioner had been dismissed on 29.07.2025 by dealing with all the contentions as raised by the petitioner in this petition itself. This petition had been filed within a span of 08 months. The prosecution has relied upon call detail record of the mobile phone of the victim and the petitioner showing that on the day of occurrence, some calls were exchanged between them. He was also seen following the victim on the same night. The allegations against him are serious in nature. 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 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.

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

30.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No