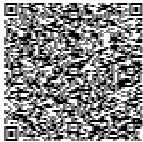


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2026:PHHC:071845



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-17727-2026

Abhishek Sharma
.....Petitioner
Versus
State of Punjab
...Respondent

Date of Decision: May 08, 2026
Date of Uploading: May 08, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Naveen Bawa, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.
Mr. Gurmanpreet Singh, Advocate for the complainant/ victim.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case bearing FIR No.238 dated 25.10.2025, registered for the offences punishable under Sections 308(2), 351(2) and 61(2) of the BNS, 2023, at Police Station Division No.6, District Ludhiana.

2. The gravamen of the FIR in question is that on 22-09-2025, the complainant, namely, Suraj Mohammad, received a WhatsApp call from an unknown person who asked whether he worked in money exchange. Upon confirmation, the caller demanded ₹5 lakh and threatened harm to the complainant and his family if the money was not paid. Frightened, the complainant disconnected the call and informed his brother, Amerik Khan.

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When they called back the number from their business mobile, the caller identified himself as Harvinder from Australia and repeated the threats. Out of fear, the complainant transferred ₹3,45,000 into Kotak Mahindra Bank account No.3045744816, allegedly belonging to one Prashun Kumar, through his friend Surinder Kumar's bank account. Later, on 24.10.2025, the complainant received another call from international number +61 406 778 161 from a person identifying himself as Arvind from Australia, who continued the extortion demands and made further inducements. On 29.10.2025, the complainant also received abusive and threatening messages from the same Australian number, wherein the caller stated that he could not be traced or identified.

3. Learned counsel for the petitioner has submitted that petitioner is in custody since 25.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on account of mis-understanding on the complainant – side, which stands resolved. Learned counsel has urged that the FIR in question essentially has civil overtones. Learned counsel has further argued that a compromise dated 18.03.2026 (copy whereof has been appended as Annexure P-3 with the petition in hand) has also been entered into between the parties. Learned counsel has further iterated that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioners are serious in nature and, thus, the petitioners do not deserve the concession of the regular bail. Learned State counsel also seeks to place on record the custody certificates dated 07.05.2026, in the Court today, which are taken on record.

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4.1. Learned counsel for the complainant has vehemently opposed the petition in hand by arguing that there are serious allegations against the petitioner. Learned counsel has submitted that serious allegations regarding extortion of substantial amount has been raised in this case. Learned counsel has argued that in case, the petitioner is granted the concession of regular bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere with the prosecution witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.10.2025, whereinafter, the investigation was carried out and the challan *qua* petitioner has been presented on 24.12.2025. Total 12 cited prosecution witnesses have been cited, but none has been examined till date. It is, thus, indubitable that culmination of trial will take long time. The rival contentions raised at Bar give; including the weightage required to be attached to the compromise dated 18.03.2026; 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 certificates dated 07.05.2026 filed by learned State counsel, the petitioners have already suffered incarceration for a period of 06 months and 08 days, & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The first bail plea was dismissed as withdrawn

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on 23.02.2026. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration, compromise having been entered into between the parties later on & pace of trial; this Court is inclined to affirmatively 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 petitioners 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, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty

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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 cellphone 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 08, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No