

2026.PHHC.074722



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18598-2026

Amit
State of Haryana

Versus

...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	12.05.2026
2	The date when the judgment is pronounced	14.05.2026
3	The date when the judgment is uploaded on the website	14.05.2026
4	Whether only operative part of the judgment is pronounced or 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. Surjit, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 321 dated 26.04.2024 registered under Sections 302, 323 and 34 of IPC at Police Station Assandh, District Karnal. His previous petition bearing CRM-M- No. 6820-2025 had been dismissed vide order dated 30.04.2025 by making the following observations:-

The petitioner along with the co-accused is alleged to have assaulted the victim on the evening of 23.04.2024 and to

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have struck blows with danda on his chest and other parts of his body. The victim had died on 25.04.2024. However, he had made complaint of chest pain on 24.04.2024. Even on 25.04.2024, he had gone to doctor and as per the prescription slip, he had complained of pain in his chest due to some injury and had been advised medicine for the same. As per the post-mortem report, defused swelling was found on right side of his chest area and on dissection underneath, multiple fractures were found on the right side ribs. The observations as made in the post mortem report, prima facie corroborate the version of the complainant. The allegations against the petitioner are serious in nature. The victim who was a 30 years' old man had died under unnatural circumstances, which are suggestive of homicidal death. Taking into consideration the nature of the allegations, the part attributed to him, 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.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is a delay of 03 days in lodging the FIR. The post-mortem report is silent about the cause of death. The prosecution version is itself quite improbable and unnatural. One of the material witnesses has not supported the prosecution version. The petitioner is in custody since long. Each day spent by him in custody furnishes a fresh ground to seek concession of bail. Moreover, co-accused Pawan has already been extended the benefit of bail. The case of the petitioner is on a better footing and hence, he too deserves to be extended the same benefit. His prolonged incarceration

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is militating against the provisions of Article 21 of the Constitution of India.

It is, thus, argued that the petition deserves to be allowed.

3. *Per contra*, learned State counsel has argued that the instant petition, being a successive petition, is not maintainable. The previous petition filed by the petitioner has already been dismissed by this Court by passing a detailed order. It is, therefore, stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

5. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed.

6. The petitioner, along with the co-accused, is alleged to have assaulted the victim on the evening of 23.04.2024, which resulted in his subsequent death. The petitioner has now been in custody for a period of over 02 years and 17 days. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of

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time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. Co-accused Pawan whose case is on a similar footing, has since been extended the benefit of bail. Though the petitioner is alleged to have been armed with a *danda* at the relevant time, however, no specific injury has been individually attributed to him. The cause of death has also not been determined till now. The chances of conclusion of the trial in the near future are bleak, since only 02 out of 14 prosecution witnesses have been examined so far. The prolonged incarceration of the petitioner militates against his fundamental right to a speedy trial. As mandated by the Hon'ble Supreme Court in the authority cited as ***Balwinder Singh vs. State of Punjab and another, 2024 SCC OnLine SC 4354***, the constitutional right of an accused cannot be denied to him. Taking into consideration the period spent by the petitioner in custody, the part attributed to him, parity with the co-accused, and further in view of the attendant facts and circumstances of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released

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on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |