



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

211

**CRM-M No.21666 of 2025
Date of decision : 9.2.2026
Date of uploading : 9.2.2026**

Narender Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prateek Rathee, Advocate and
Mr. Shwas Bajaj, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present fourth petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.214 dated 24.5.2022 under Sections 302 of the IPC (Sections 201 and 34 of IPC added later on), registered at Police Station Khedki Daula, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To Mr. Chowki Incharge Gurugram Sir, I request that I am Shivam S/O Dinesh Kumar Divedi resident of village Umri PS Rampura Tehsil Madrogarh District Jalaun U.P. And I work as a guard for Razak Security Company. My duty is in SEC. 79 Gurgaon which is a building under construction of Signature Company and here I stay with my cousin Kuldeep S/O Umesh Kumar resident of village Umri PS Rampura Tehsil Madrogarh District Jalaun U.P in the jhuggis built behind the building. Yesterday evening my brother got a call from his supervisor that you have to do duty at night also. So my brother came back from the company to the jhuggis where my brother Kuldeep met Ramchandra alias Tilakdhari who had liquor with him, who told my brother that let's go and drink alcohol. On which



my brother and Ramchandra alias Tilakdhari went out of the jhuggis. Then I called at around 9 PM in the night, my brother Kuldeep said that I am coming. After which I called several times but it was switched off and even when I looked in the jhuggis, I could not find him. Today on 24/05/22, a passerby saw that a dead body was lying in the empty land near Signature Company. Crowd was gathered there. I went and saw that someone had strangled my brother Kuldeep to death. This dead body is of my brother Kuldeep S/O Umesh Kumar. I have identified him and have informed my family about the murder. Strict legal action should be taken against the person who murdered my brother. SD- Shivam 9116264407, Action Police:- Today on 24-5-22 I ASI/IC/PP Gurjar present at the police post that I received information from the police control room that the body of a young man has been found on vacant land near the vacant land near the under construction building of Signature in SEC-79 and IO be sent to enquiry. On receiving the information, I ASI along with HC Ganesh 709, EHC Vijay 3331, C Johnny 5649 and government vehicle DVR SPO Rajesh 2407 reached the spot, where the body of the young boy was found with whom Shivam, the above mentioned person is present, who has submitted a written complaint above. On the basis of gist of the complaint and inspection of the crime scene, offence under 302 IPC has been found to have been committed. To get the charge registered by writing, case is being sent through HC Ganesh No. 709/GGM. The case be registered with an FIR no. and administrating police station be sent on the spot and special report be sent to superior officials and Ilaqa Magistrate and scene of crime team and ambulance be also sent to the spot. I along with other officials, am busy in the investigation on the spot. Place SEC-79 GGM SD-RAJESH ASI I/C PP BAR GURJAR DT 24-5-22 AT 3.20 PM. Police. On receiving the above in the police station on finding offence to have been committed under section 302 IPC FIR no. 214 dated 24.05.2022 section 302 IPC was registered at Police Station Kshedki Daula District Gurugram and the FIR of the case was registered and the copies of the FIR were prepared on CCTNS. The special report of the case will be sent to the higher officials and the Ilaqa magistrate sahab. Police file and original written article is being sent to HC Ganesh No. 709/Gurugram at the spot to I/O. Sir, since ASI Rajesh 41/Gurugram does not have an account on CCTNS, FIR is being registered in the account of ASI PARMANAND 1716/GGM. Whose I/O is ASI Rajesh 41/Gurugram. Sir, this case has been registered in the account of ASI PARMANAND 1716/GGM."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.5.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the case in hand is not of eye witness account and at the most the case set up by the prosecution is 'last seen evidence'. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 3 years. Thus, 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 6.2.2026 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 25.5.2022 wherein after investigation was carried out; challan was prepared on 2.8.2022 and subsequently filed. It is not disputed that total 27 prosecution witnesses have been cited, out of which 18 stand examined till date. All private witnesses except PW-Amarjit stand examined. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a



speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

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 6.2.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 years, 8 months and 12 days & is not shown to be involved in any other case.

6.3 Indubitably, the present petition is the 4th attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was withdrawn on 21.10.2024. 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.

(SUMEET GOEL)
JUDGE

9.2.2026
Ashwanii

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