



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

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**CRM-M No.26406 of 2026
Date of decision : 14.5.2026
Date of uploading : 14.5.2026**

Rahul Kumar alias Gandhi**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sandeep Kaur, advocate and
Ms. Varsha Choudhary, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present third 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.95 dated 10.2.2025 under Sections 61(2), 109(1), 111(2), 308(5) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.
2. The gravamen of the FIR in question is that the present FIR was lodged on the complaint of Himanshu Vij (hereinafter to be referred as the complainant), alleging that on 06.02.2024, he received a threatening call of Noni Rana from number 447961265817 on his mobile phone. Noni Rana told him that as he was having an enmity with him, Inspector



Matoria and Vicky Pandit, so, he would take revenge from them. Further, on 08.02.2025, Noni Rana called the complainant from the same mobile phone number and demanded a ransom of ₹ 1,00,00,000/- from him. Noni Rana also told the complainant that he got gun-shots fired at his house. On checking the C.C.T.V footage, the complainant found that on 06.02.2025 at about 02:30 p.m., one boy was seen firing gun-shots at his house.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.7.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is not one who is stated to have fired the gun-shot but his role is only of doing recce. Learned counsel has further submitted that all the prime prosecution witnesses; including the FIR-complainant (Himanshu) stand examined. Learned counsel has further submitted that the petitioner has already suffered incarceration for more than 9 months and is a man with clean antecedents. 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 12.5.2026 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 30.7.2025 wherein after investigation was carried out; challan was prepared on 14.8.2025 and subsequently filed. Total 35 prosecution witnesses have been cited, out of which 10 stand examined till date. It is thus indubitable that culmination of trial will take its own time. 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.”

The rival contentions raised at Bar give rise to debatable issues which 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.

6.1 As per custody certificate dated 12.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 11 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is the 3rd attempt by the petitioner to secure regular bail. The first bail petition was dismissed as withdrawn on 14.1.2026 and the last bail plea preferred by the petitioner was dismissed as withdrawn on 5.3.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the FIR-complainant has already been examined; extended incarceration of the petitioner and slow pace of the trial, 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/Illaq 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

14.5.2026
Ashwani

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