

2026.PHHC.080694



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-27156-2026

Date of decision: 21st May, 2026

Mukki @ Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Dr. Pankaj Nanhera, Senior Advocate with
Ms. Ishita Arora, Advocate and
Mr. Anurag Mor, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

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. 133 dated 29.04.2024 registered under Section 127(6) of BNS (Sections 103(1), 238 and 3(5) of BNS and Section 25(1-B)(A) of Arms Act were added later on) at Police Station Hathin, Palwal. His previous petition bearing CRM-M- No. 22556-2025 had been dismissed vide order dated 22.09.2025.

2. As per the allegations, on 26.04.2024, the victim Rahul, son of the complainant, had gone to attend a function but he did not return and his whereabouts also could not be known. The complainant, while alleging that accused Akash and Mohit accompanied by some other boys had taken the victim along with them, prayed for taking action in the matter. Initially, a case

2026 PHHC 080694



under Section 346 of IPC was registered. Investigation proceedings were initiated. The dead body of the victim was recovered from a pond in the jungle of village Mandkola on 30.04.2024, which was identified by the complainant. On the basis of supplementary statement recorded by the complainant on the same day, the present petitioner, along with accused Akash, Mohit, Rohit and Ankit was nominated as an accused and as one of the perpetrators of the murder of the victim. Accused Akash, Love and Rohit were arrested on 02.05.2024. The petitioner was arrested on 10.05.2024. He suffered disclosure statement admitting his involvement in the crime.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 02 years now. After dismissal of his previous petition, there has been a change in circumstances, as the witness Rinku, who had allegedly lastly seen the victim with the petitioner and co-accused, has been given up as having been won over, whereas PW-Davinder, who was also a witness of the alleged last seen, has since been examined and has turned hostile, has not supported the prosecution version and has not implicated the petitioner in the commission of the subject crime or about his lastly seen with the victim.

4. It is further argued that even the complainant has since been examined. He was not an eye-witness to the occurrence and has deposed that he was told about the fact that the victim was lastly seen with the petitioner and co-accused, by PWs Rinku and Davinder. His testimony, therefore, also does not connect the petitioner with the commission of the subject offence. It

2026 PHHC 080694



is argued that there is no eyewitness to the murder of the victim. The case rests upon circumstantial evidence and there is no incriminating circumstances to connect him with the crime. Each day spent by him in custody has given rise to a fresh cause of action to him for seeking bail. The chances of conclusion of trial in the near future are totally bleak as only 02 witnesses have been examined so far. His antecedents are clean. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be extended the benefit of bail.

5. *Per contra*, learned State counsel has argued that taking into consideration the gravity of the allegations levelled against the petitioner, he does not deserve to be extended the benefit of bail. Moreso, the instant petition, being a successive petition, is not maintainable. It is, therefore, stressed that the petition does not deserve to be allowed.

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

7. 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

2026.PHHC.080694



Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458,

wherein it was so observed.

8. The petitioner is in custody for a period of more than 02 years. 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 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. The petitioner was nominated as an accused on the basis of supplementary statement recorded by the complainant to the effect that the witnesses Rinku and Davinder had lastly seen the victim along with the petitioner and other co-accused and had informed him about this fact. As already mentioned, PW Davinder has not implicated the petitioner in the commission of the offence of murder of the victim, whereas Rinku has been given up as having been won over by the accused. The complainant is not an eyewitness to the occurrence. The veracity of the accusations is to be tested during trial. The trial will take time to conclude. The petitioner is in prolonged incarceration, which militates against his

2026 PHHC 080694



fundamental right to speedy trial. There is nothing on record to show that the delay in conclusion of trial is attributable to him in any manner. Taking into consideration the above-discussed facts and circumstances and the facts and circumstances peculiar to this case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2026
Parveen Sharma

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