

2026.PHHC.015932



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

305

CRM-M-48940-2025 (O&M)
Date of Decision: 03.02.2026

Sujal Rathore**... Petitioner**

Versus

State of Haryana**... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the Second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No. 263 dated 23.08.2023, registered under Sections 302, 384, 120-B, 120 and 34 of IPC (Section 384, 120-B and 120 of IPC added and Section 34 of IPC deleted later on) at Police Station Kalayat, District Kaithal.

2. As per the allegations, on the intervening night of 22-23.08.2023, the petitioner along with co-accused Amit, Mehak Yadav, Muskan Batra and Divesh had gone to the village of victim Sanjay and on the next morning, the dead body of the victim was found hanging in a room of his courtyard. A Creta car bearing registration number HR-16-U-2327, owned by the uncle of the present petitioner was found to be used by the

petitioner and co-accused at the time of going to the place of the victim. The petitioner and co-accused Divesh were arrested on 25.08.2023 after collecting call details record. They were interrogated and suffered disclosure statements, which revealed that the victim Sanjay was having homo-sexual relations with accused Divesh and the latter had been extracting money from him by blackmailing and extending threats to make his intimate and objectional videos viral. It was disclosed that the petitioner and other co-accused had connived with co-accused Divesh in extracting money from the victim. On the fateful night, all of them had gone to the village of the victim. The CCTV camera footage collected by the investigating agency revealed that the petitioner along with the co-accused had left the place of the victim at about 01:30 AM and some time thereafter, co-accused Divesh had left that place. The post-mortem examination report revealed that there were burn injuries on the dead body of the victim, which were suggestive of his homicidal death.

3. The previous petition, filed by the petitioner bearing ***CRM-M-21664-2024*** was dismissed by this Court on 05.09.2024 by making following observations:

“8. The accused Divesh is alleged to have hatched a conspiracy with the petitioner and the other accused and in pursuance of that conspiracy, the petitioner and co-accused are alleged to have assaulted the victim to that extent that he had died and thereafter his dead body was hanged from a fan. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Burn marks were also found on the body of the victim which are also suggestive of his homicidal death. Admittedly, the petitioner along with co-accused had gone to the house

of the victim on the night of his murder and left late alongwith two coaccused. The allegations against him are serious in nature. Keeping in view the gravity of the allegations, 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 at this stage. Hence, the same is dismissed.”

4. It is argued by learned counsel for the petitioner that his previous petition was dismissed more than 01 year and 05 months back. The trial has not progressed much further as only 04 out of total 34 prosecution witnesses have been examined so far. He is in custody since 25.08.2023. There are no chances of conclusion of trial in near future and it is going on at a snail's pace. The complainant stands examined and, therefore, there are no chances of the petitioner's intimidating him. The female co-accused have been extended benefit of bail. On parity, he too deserves to be given the same benefit. He has clean antecedents. No specific over act has been attributed to him. His prolonged detention has entitled him to seek concession of bail. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. It is also argued that there is no new or substantive change in the circumstances on the basis of which the petitioner deserves to be extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has considered the rival submissions.

7. The present petition is a second bail petition and the earlier one was dismissed on merits by this Court by a detailed order dated 05.09.2024. There is no dispute that a successive petition for bail can be considered by this Court. However, no substantial or material change in circumstances has been shown by the petitioner so as to warrant a different view at this stage. The allegations against the petitioner are grave and stem from a conspiracy culminating in the homicidal death of the victim, whose body was subsequently found hanging. The material collected during investigation, including CCTV footage and post-mortem findings suggesting homicidal death, prima facie indicate the petitioner's presence and involvement in the subject crime. Mere passage of time or slow progress of trial, in the facts of the present case, cannot be treated as sufficient ground to enlarge the petitioner on bail, particularly when the trial is going on. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. The plea of parity with other co-accused is also misconceived, as the role attributed to the petitioner stands on a different footing. Keeping in view the gravity of the allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the present petition is dismissed.

8. It is made clear that any observation made herein above is only

for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

03.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No