



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

214

**CRM-M No.49357 of 2025
Date of decision : 27.1.2026
Date of uploading : 27.1.2026**

Mangal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present second 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.598 dated 22.10.2023 under Sections 302 and 34 of the IPC (Section 379-B and 201 of IPC added later on), registered at Police Station Rania, District Sirsa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Amrik Singh son of Balbir Singh resident of Dani Asha Singh. Aged about 34 years. Mobile number 9992432174. Stated that I am resident of above mentioned address and tailor by profession. We are two brothers, elder one is Angrej Singh and one sister whose name is Amarjeet Kaur. We all three are married. Yesterday on dated 21.10.2023, my father Balbir Singh son of Surender Singh aged about 65 years had gone to Rania on bicycle in connection with household work. But my father has not



returned back home late in the night. Due to this me and my family members have searched for my father but my father could not be located. Today at 5 AM in the morning. Mukhtiar Singh son of Kartar Singh resident of Ward No. 3, Ranja has called my uncle Lakhwinder Singh on his mobile number 9812958533 and told that the dead body of your brother Balbir Singh is lying in the water course in front of our tube well in our fields. You should reach there immediately. That after receiving the information I along with my uncle Lakhwinder and family members reached in the fields of Mukhtiar Singh and then I saw that one cloth of white and orange colour was tied in the neck of my father and on seeing the dead body of my father, it appears that someone unknown persons have strangled my father with cloth/Parna and thrown the dead body of my father in the water course. My father was having mobile phone which is having SIM number 9996971359 and a purse that were also not found with my father. My father was killed by unknown person by strangulation. The unknown persons who have killed my father be located/traced and strict legal action be taken against them. I have given my statement in front of my uncle Lakhwinder Singh who is an advocate. Statement is read over and is correct. Sd/- Amrik. Lakhwinder Singh. Attested Banwarilal PS Rania. Dated 22.10.2023.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.10.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the FIR in question was registered on 22.10.2023 wherein the petitioner was not named as an accused and was subsequently named as an accused on a supplementary statement made by the FIR-complainant on 25.10.2023. Learned counsel has further submitted that the prime motive attributed to the petitioner is an incident/murder which had taken place about 25 years ago. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 2 years. Thus, regular bail is prayed for.



4. Learned State counsel has filed reply by way of affidavit of Faisal Khan, IPS, Asstt. Superintendent of Police, Ellenabad, District Sirsa in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 25.1.2026 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 27.10.2023 wherein after investigation was carried out and challan stands presented on 18.1.2024. Total 18 prosecution witnesses have been cited and it is not in dispute that the complainant was partly examined whereinafter application under Section 319 of Cr.P.C. was filed and additional accused were summoned. 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.”

6.1 The rival contention raised at Bar give rise to debatable issues which shall essentially 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 25.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 27 days & is not shown to be involved in any other case.

6.3 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 5.2.2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner of about one year and no substantial progress in 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/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

27.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No