

CRM-M-59596-2025

2026:PHHC:001606



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Mohit @ Mohit Adhana

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: January 12, 2026

Date of Uploading: January 12, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Abhimanyu Singh, Advocate and
Mr. Mudit Johar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. D.S. Matya, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.128 dated 25.03.2025, registered for the offences punishable under Sections 115, 126, 140(3), 190, 191(3), 324(4), 325(4), 351(2) & 63 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 115(2), 117(4), 126(2) and 109 of the BNS added later on and Sections 115, 126, 324(5) & 351(2) of the BNS deleted later on), registered at Police Station City Sohna, District Gurugram.

2. The gravamen of the FIR in question is that injured/complainant- Amar submitted his complaint stating that on 22.03.2025 at about 02:50 PM, while he was driving his car from his company and came onto the road, some persons travelling in two cars started following him. When he reached near

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Sohna Dhani Flyover, one of the cars intentionally rammed into his car with the intent to kill him. Immediately thereafter, 5–6 persons with muffled faces, armed with sharp-edged weapons, a pistol, iron rods, *lathis*, and *dandas*, approached his vehicle. One of them struck the front window of his car with an iron rod, causing it to shatter. During the incident, the cloth covering the face of one assailant slipped, and the complainant identified him as Mohit Adhana (*petitioner herein*), who exhorted the others not to let the complainant survive and to kill him. All the assailants then forcibly pulled the complainant out of his car and attempted to push him into another vehicle with the intention of kidnapping and eliminating him. Fearing for his life, the complainant managed to escape and ran away from the spot. However, after covering a distance of about 200–250 meters, some of the assailants chased and caught hold of him again, threatening that if he tried to escape further, he would be shot dead. The assailants forced him to the ground and mercilessly assaulted him, causing multiple injuries. During the assault, the faces of the assailants were uncovered, and the complainant identified them as Sohit Adhana, Mohit Adhana (*petitioner herein*), Anu Adhana, Prince, and Sagar Mavi. Sagar Mavi was carrying a pistol, the petitioner was armed with an iron rod, Sohit Adhana was carrying a sharp-edged weapon, while Anu Adhana and Prince were carrying iron rods. All the accused persons collectively assaulted the complainant with their respective weapons, resulting in fractures on various parts of his body, including his legs. The assailants also snatched one gold chain and ₹15,000/- in cash from the complainant. Shortly thereafter, members of the public gathered at the spot, upon which all the accused persons fled away while issuing threats to the complainant and his family members of dire consequences.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 29.03.2025. Learned counsel has further iterated that the

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petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, petitioner is attributed injuries on hand and leg of the injured. Learned counsel has further argued that, though, it is the case of the complainant that the petitioner was armed with country-made pistol, but said weapon was not used in the incident. Learned counsel has further iterated that prime prosecution witness, namely, FIR-complainant-Amar already stands examined; thus, there is no likelihood of the petitioner interfering with the prosecution witnesses. Learned counsel has argued that the petitioner 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 against the petitioner 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 the custody certificate dated 10.01.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned counsel has further argued that the complainant had received multiple injuries and had also suffered permanent kidney damage on account of injuries given by the petitioner along with his co-accused. Learned counsel has iterated that the petitioner was the main conspirator and the main aggressor. Learned counsel has further argued that the complainant has specifically identified the petitioner as an assailant. Learned counsel has further iterated that the petitioner along with co-accused had inflicted multiple injuries to the complainant and left him presuming to be dead otherwise they would have even killed him.

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5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.03.2025, whereinafter, the investigation was carried out and the challan has been presented on 25.06.2025. Total 32 prosecution witnesses have been cited, out of which, only 02 have been examined till date. It is not in dispute that prime prosecution witness, namely, FIR-complainant/injured-Amar already stands examined. It is thus, indubitable that conclusion of the trial will take long time.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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

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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 10.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 09 months and 10 days, & is not shown to be involved in any other FIR(s).

6.3. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last two bail plea was dismissed as withdrawn on 20.08.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for another more than 04 months & pace of trial; this Court is inclined to affirmatively 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).

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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 cellphone 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.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 12, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No