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

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CRM-M-60120-2025

Date of decision: 23rd February, 2026

Akshay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Singh Jattan, 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. 391 dated 12.08.2021 registered under Sections 302, 201, 392, 397 and 34 of IPC (Section 394 of IPC added later on) at Police Station Meham, District Rohtak. His previous petition bearing CRM-M-53995-2024 had been dismissed as withdrawn vide order dated 26.08.2025.

2. As per the allegations, Rohtash owned a vehicle bearing registration No. HR-39E-7447, which was being plied by him as a taxi . On the intervening night of 11/12.08.2021, he received a call on his mobile phone for hiring the taxi for going from Hisar to Delhi. He sent Honey Singh, who was his driver, along with the aforesaid vehicle. The victim did not return home. On 12.08.2021, his dead body was found lying near Khakhra Canal Bridge, Hisar–Rohtak Road, by the complainant Abhimanyu, Sarpanch of village Khakhra. Proceedings under Section 174 Cr.P.C. were initiated as well

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as post-mortem examination of the dead body of victim Honey Singh was conducted. During the course of investigation, it was revealed that the call was made from the mobile phone used by co-accused Kavita and on the fateful night, the present petitioner along with co-accused Mayank @ Mulayam and Kavita had hired the taxi of the victim. The petitioner Akshay along with accused Kavita and Mayank, was arrested on 13.08.2021. They suffered disclosure statements admitting their involvement in the crime. The petitioner in his disclosure statement, disclosed that they had hatched a plan to book a taxi for Delhi Airport through Kavita and to rob the driver of the said taxi, kill him, and take away the car of such taxi driver, so as to get it scrapped and earn money therefrom. He further disclosed that in pursuance of the said plan, the vehicle of the victim was hired by them, the victim was strangled, the money kept in his wallet was taken away, and the vehicle was also snatched. The vehicle of the victim was recovered at the instance of the petitioner and the co-accused. The investigation now stands concluded, and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The disclosure statements allegedly suffered by him and the co-accused cannot be considered to be admissible in evidence. There is no eye-witness to the murder of the victim and the case rests on circumstantial evidence. There is no incriminating material to complete the chain of circumstances pointing towards the complicity of the petitioner in the commission of the alleged

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offences. He has been in custody for a long time. Only 16 prosecution witnesses out of 26 have been examined so far. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India. The material witnesses stand examined, and there are no chances of his intimidating them. He is already on bail in another case registered against him. With these submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature as by hatching a criminal conspiracy with the co-accused, the petitioner booked the taxi driven by the victim for going to Delhi Airport with a plan to rob the vehicle and the driver, had killed the victim after hiring the car and had robbed him and had also looted the car. Prolonged incarceration cannot be a ground for granting bail to him in view of the gravity of the allegations levelled against the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner, in conspiracy with the co-accused, is alleged to have hired the vehicle bearing registration No. HR-39E-7447 for the purpose of going from Hisar to Delhi Airport and while on the way, the victim, who was the driver of the said vehicle, was strangled by the petitioner and the co-accused, the money kept in his pocket was taken, and the vehicle was also

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taken away with the intention to sell it and to earn money therefrom. The allegations against the petitioner are serious in nature. Out of 26 prosecution witnesses, 16 witnesses have already been examined. The trial is progressing at a reasonable pace, and it cannot be stated that there would be any undue delay in its conclusion. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds 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)*. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd February, 2026
Parveen Sharma

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