



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

239

**CRM-M No.61467 of 2025
Date of decision : 16.1.2026
Date of uploading : 16.1.2026**

Deepak**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Shalini Atri, Advocate and
Ms. Apoorva Atri, Advocate, for the petitioner
Mr. Deepak Grewal, 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.452 dated 4.8.2022 under Sections 148, 149, 365, 302 and 120-B of the IPC (Sections 364 and 216 of IPC were added later on during report under Section 173 Cr.P.C.), registered at Police Station Civil Lines, Hisar, District Hisar.
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 Ankush son of Balbir Singh son of Ram Singh resident of Village Bardu Dhirja Tehsil and Police Station Loharu District Bhiwani and aged about 19 years. Mobile No 81685 510291. Stated that I am resident of above noted address. We are two brothers and youünger from me is my sister Anisha. I am 102 passed and I am preparing for CET at Red Square Market in coaching center Hisar. My maternal grandmother



was admitted in Sarvodaya Hospital hisar anf due to this I was present in Sarvodaya Hospital for taking care of her on 02.08.2022. Yesterday on 03.08.2022 during day time I got a call from my nephew Lalit son of Ved Prakash resident of Bardu Dhirja who told me that he is in Hisar. After that at around 7-8 PM, I got call from Lalit that he is near Kamri Road South bypass Bridge. He asked me to come as he was apprehending danger of his life from his in-yout laws. Upon which I reached near Lalit at around 09:30 PM from side of South Bypass towards Rajgarh Road side at Kamri Road Bridge. Then I saw Lalit was standing near the Bridge of Tosham Road and during the time two vehicles one of which was a Balero Camper color chocolate one Ritz Color white came from my back side stopped near my nephew Lalit and from those vehicles about 18-20 people were there who were carrying dandas, lathis, rod and other weapons in their hands. Out of them some are known to me who are in-laws of Lalit and Lalit's brother in-laws Sachin son of Sanjay Kumar Golu son of Roshan Lal, father in law Roshan Lal and Sanjay Kumar sons of Bir Singh, my nephew Lalit's wife Saroj, Parmila wife of Sanjay Kumar, Monika daughter of Roshan, Deepak son of Shiv Kumar, Naveen son of Savrup Singh residents of Bidhwan Aman resident of Talu now residing at Hisar who is Sadhu(brother in-law) of my nephew Lalit, Ashish son of Ramesh resident of Chhan Hisar, Parveen son of Kuldeep resident of Durjanpur Jind, Sumit son of Jai Pal resident of Garva District Bhiwani, Ankit son of Nitin resident of Mundal Khurd Bhiwani, Ravi son of Manoj resident of Mithi Bhiwani, Gaurav son of Mahender resident of Ward No2 Saini Colony Hisar and others were there and came out and picked up Lalit and thrown forcibly inside the vehicle and ran away by taking Lalit towards Tosham road side. I could not note down the number of vehicles because I was having eye on my nephew Lalit. On which I made a call on 112 and gave the information to the police and told my family members about taking the Lalit by his in-laws side thereafter I and my family member were searching my nephew. Today on 04.08.2022 at about 4-5 AM it has come in our knowledge that my nephew Lalit has expired and dead body is kept lying in Aadhar Hospital on which we came to Aadhar Hospital Hisar. My nephew is murdered by in-laws side Lalit's brother in-laws Sachin son of Sanjay Kumar Golu son of Roshan Lal father in law Roshan Lal and Sanjay Kumar sons of Bir Singh, my nephew Lalit's wife Saroj, Parmila wife of



Sanjay Kumar, Monika daughter of Roshan, Deepak son of Shiv Kumar, Naveen son of Savrup Singh residents of Bidhwan Aman resident of Talu now residing at Hisar who is Sadhu(brother in-law) of my nephew Lalit, Ashish son of Ramesh resident of Chhan Hisar, Parveen son of Kuldeep resident of Durjanpur Jind, Sumit son of Jai Pal resident of Garva District Bhiwani, Ankit son of Nitin resident of Mundal Khurd Bhiwani, Ravi son of Manoj resident of Mithi Bhiwani, Gaurav son of Mahender resident of Ward No2 Saini Colony Hisar and others in connivance with each other by kidnapping my nephew and gave beatings to Lalit with Lathi, dandas and other and committed murder of my nephew Lalit. Strict legal action be taken against them I have written my statement read over same is correct. Sd/- Ankush. Verified by Dalbir Singh Inspector SHO Civil Lines Hisar Dated 04.08.2022.'

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 10.08.2022. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there is no direct motive attributable to the petitioner, as the genesis of the FIR in question is a matrimonial dispute between the deceased and his wife namely Saroj, and the petitioner is not related to Saroj. Learned counsel has further iterated that the petitioner has been primarily implicated into the FIR in question on account of his having friendly relation with brother of the said Saroj. She has further submitted that all private witnesses stand examined. She has further iterated that the petitioner is a man with clean antecedents and has suffered incarceration for more than 3 years. Learned counsel has further submitted that the petitioner is a young man aged 24 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present



petition by arguing that the allegations raised are direct and serious in nature and, hence, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 12.11.2025 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 10.08.2022, whereinafter investigation was carried out and challan was presented on 05.11.2022. Total 42 witnesses have been cited, out of which 6 stand examined and 2 have been given up till date. It is further not in dispute that all the private witnesses stand examined and conclusion of trial will take long time. The rival contentions raised by learned counsel 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 it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.1 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 10.9.2024. However, keeping in view extended incarceration of the petitioner 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.”

6.2 As per the custody certificate dated 12.11.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 3 years, 3 months and 2 days (and as of now more than 3 years and 5 months) & is not shown to be involved in any other case.

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/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.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

16.1.2026
Ashwanii