



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

208

**CRM-M No.63421 of 2025
Date of decision : 9.1.2026
Date of uploading : 9.1.2026**

Kamaldev Mittal**Petitioner**
Versus
State of Haryana**Respondent**

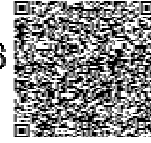
CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Pal, Senior Advocate with
Mr. Rajender Kumar, Advocate, for the petitioner
Ms. Priyanka Sadar, Senior DAG, Haryana
Mr. Pankaj, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

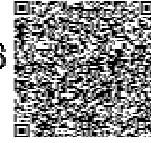
1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.17 dated 19.4.2025 under Sections 7-A of Prevention of Corruption Act, 1988 and Section 308(2) of Bharatiya Nyaya Sanhita, 2023 (added later on), registered at Police Station Anti Corruption Bureau, Ambala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'It is submitted that I, Sandeep, son of Shri Mangat Ram, resident of House No. 262, Sector 19-1, Kaithal, am a resident of the aforesaid address. I have a ready-made garment shop under the name of Shri Balaji Garments situated in front of the Old Bus Stand. The shop is run by me and my brother. About seven to eight years ago, I had purchased a space near the Old Bus Stand, on SBI Road,



Kaithal, for a showroom, and in the year 2021, I got the site plan approved for the showroom from the Municipal Council, Kaithal, and thereafter commenced construction. When my showroom was almost completed, in November 2024, Kamal Dev, former Councillor, Municipal Council, Kaithal, came to my showroom and told me that the showroom I had constructed was not in accordance with the approved map. He further said that he would get the complaints that I had made on CM Window regarding GST, the Electricity Department, and the Municipal Council, Kaithal, filed/closed through the Deputy Commissioner and other concerned officers, but for that I would have to pay money. Accordingly, a deal was finalized between us for Rs. 5,20,000/-. In February 2025, in front of Shri Virendra Bansal, son of Shri Sajjan Kumar, resident of Khurana Road, Kaithal, Kamal Dev, former Councillor, threatened and coerced me and took Rs. 5,20,000/- from me, but he did not withdraw his complaints. Thereafter, I received a notice from the Municipal Council, Kaithal. Due to being occupied with work, I could not respond to the notice within time, upon which, the Municipal Council, Kaithal, taking action, sealed my showroom on 17.03.2025. I submitted an application to the Municipal Council, Kaithal, for opening the seal of my showroom, and the Municipal Council, Kaithal, after taking action as per rules, opened the seal of the showroom on 08.04.2025. After the seal was opened, Kamal Dev stood in front of the showroom and, to exert pressure on me, gave a statement to the press that the showroom was constructed illegally, that it was he who had complained and got it sealed, and that the sealing was done on the orders of the Deputy Commissioner. A few days later, Kamal Dev came to me and said that my showroom had been constructed in violation of the approved plan and that he would get it demolished through the administration, and further added that he could also get the demolition stopped by speaking to the Deputy Commissioner. For that, I would have to pay more money, which he said he would not keep himself but would give to higher authorities. He also said that I should not come to him personally but should send my maternal aunt's son (bhua's son), Munish alias Monu, who is my neighbour in HUDA Sector 19, to him, and that he would explain everything to him.

On 18.04.2025, Kamal Dev, former Councillor, came to the shop of my maternal aunt's son, Munish alias Monu, and said to him that the sum of Rs. 5,20,000/- which had earlier been taken from Sandeep was his brokerage, and now Sandeep would have to pay an additional Rs. 4,00,000/-. He further said that the responsibility of the Deputy Commissioner was his, and he would try to get some reduction in the said amount of Rs. 4,00,000/-, and that he himself would not keep any money out of that sum. He also said that if any officer or employee comes to the showroom, Munish should call him and he would himself get the matter settled. He is demanding Rs. 4,00,000/- from me in the name of the Deputy Commissioner. At my instance, my maternal aunt's son, Munish alias

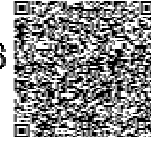


Monu, has made a recording of the conversation, which I will produce later. He wants to take bribe money from me by creating fear in the name of the Deputy Commissioner. Today, he has called me with Rs. 4,00,000/-. I do not want to pay him the bribe amount. I want to get him caught red-handed. Today, I have presented before you 800 currency notes of Rs. 500 denomination, totaling Rs. 4,00,000/-, along with this application. Legal action may be taken against the above named person. Sd/- Applicant Sandeep, son of Shri Mangat Ram, resident of House No.262, Sector 19, Kaithal dated 19.4.2025.'

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 19.4.2025. Learned senior counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has further iterated that the prime edifice of the prosecution case is an audio clip, in respect whereof the FSL report does not conclusively support the case of the prosecution. Learned senior counsel has further submitted that investigation *qua* the FIR in question already stands complete and trial is underway. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Om Parkash, HPS, Deputy Superintendent of Police, State Vigilance and Anti-Corruption Bureau, Ambala Range, Ambala, which is taken on record. 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 8.1.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant has opposed the grant of regular bail to the petitioner by arguing that there are direct and serious



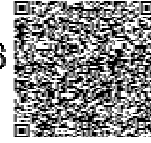
allegations against the petitioner and in case the petitioner is released on bail, he may abscond from the process of justice and influence the witnesses. Thus, learned counsel has entreated for dismissal of the bail petition.

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

6. The petitioner was arrested on 19.4.2025 wherein after investigation was carried out and challan stands presented on 13.6.2025. It is not in dispute that total 32 prosecution witnesses have been cited, out of which only 01 has been examined and 01 has been given up. It is, thus, indubitable that conclusion of the trial will take long. 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 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.

6.1 As per custody certificate dated 8.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 17 days & is not shown to be involved in any other case.

6.2 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 25.9.2025. However, keeping in view the entire factual milieu of further incarceration of the petitioner



and the pace/state of 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

9.1.2026
Ashwanii

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