

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

2026:PHHC:018807



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CRM-M-67000-2025

Date of decision: 09.02.2026

Date of uploading: 09.02.2026

Ankush

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravinder Chaudhary, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. The present petition is third petition preferred on behalf of the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No.255 dated 30.06.2023, registered for the offences punishable under Sections 323, 307, 387, 506, 34, 120-B IPC and Section 25 of the Arms Act, at Police Station City Thanesar, District Kurukshetra.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To the SHO Sahib police station city Thanesar, it is requested that I am sanjay kumar, son of premchand, resident of

village Kirmach and I have ILETS, PTE Centre in the name of BOORA OVERSEAS in sec -10, Kurukshetra, today on 30.06.2023, I was in my office, my father in law (Bhagat Singh) had left my wife and my son (Max) at my office and I left my office in car bearing no HR0100057 Audi with my wife and my son for my home and my driver (Balram son of Jaipal) was driving my car and at 5.00 pm when my car going from Udham Singh chowk to Sunderpur bridge kurkshetra, then two youths on a bike attacked our car from behind with the intention to kill us or they opened fired on us and fired 7/8 round on us. We saved our lives by bending down in the car and in this attack, my Driver Balram got hit by a bullet on his face and when the driver stopped the car on the bridge, both the unknown youths took their bike to Brahmanand chowk and I could identify both them if they presented before me and immediately after this deadly attack, a threat call came to my office and informed me by calling my employee Heena by her mobile no. (7419020057) to my mobile no. (9729700057)., that I have sent that voice recording on your whatsapp. This threat has come in voice recording from mobile no. 351929151815, which said in the recording that Sanjay is speaking right?, I am Aman sambhi member of Ankush kamalpur gang, and saying you call and contact us, it will be beneficial. Today you are saved, next time will not be saved, extortion is required from you, if you not pay the full Rs 1 crore, then next time my target will not miss. Ankush kamalpur and priyavarat Foji gave message that you will give this extortion, if you not give extortion then there will be loss for which you is responsible. Search on internet what is Ankush Kamalpur gang. Therefore, unknown youths have opened fire on me with the intention of killing me or my family for extortion money. Legal action should be taken”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 11.07.2023. Learned counsel appearing for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that the prime

prosecution witness namely PW-Sanjay (who is the FIR-complainant) has turned hostile and trial is not likely to culminate into conviction. Learned counsel appearing for the petitioner 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 opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, sought for dismissal of the petition in hand.

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 11.07.2023 and is in continuous custody. Thereafter, investigation was carried out and challan was presented on 23.08.2023. Total 44 prosecution witnesses have been cited out of which only 25 have been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof 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.”

6.1 Indubitably, the present petition is the third attempt on behalf of the petitioner for securing regular bail. The second petition bearing CRM-M-48472-2025 was dismissed as withdrawn on 29.09.2025, vide the following order:

“The present petition is the second petition filed on behalf of the petitioner under Section 483 of BNSS, 2023, seeking regular bail in case FIR No. 255 dated 30.06.2023, registered under Sections 323, 307, 387, 506, 34, 120-B of IPC and Section 25 of Arms Act, at Police Station City Thanesar District Kurukshetra.

Faced with the situation that a prime prosecution witness, namely PW-1 Sanjay (who is also the FIR-complainant), is yet to be examined, learned counsel for the petitioner seeks to withdraw the present petition in hand at this stage.

Ordered accordingly.

In the interest of justice, the trial Court is directed to make an earnest endeavour to record the testimony of the aforesaid witness, namely PW-1 Sanjay, at the earliest possible, in accordance with law.

It is also expected that the petitioner shall extend due cooperation to the trial Court for the expeditious recording of the aforesaid testimony.”

However, keeping in view the entirety of facts and circumstance of the case in hand; especially keeping in view the factum

that the FIR-complainant has turned hostile, the period of custody already undergone by the petitioner and pace 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.”

6.2. The rival contentions raised at Bar give rise to debatable issues 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.

Further, as per custody certificate dated 18.12.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 5 months, 5 days & is not shown to be involved in FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 09, 2026
Naveen

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