

2026.PHHC.044879



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-70740-2025

Vinay

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.03.2026
2	The date when the judgment is pronounced	23.03.2026
3	The date when the judgment is uploaded on the website	23.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

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 No. 198 dated 16.09.2022 registered under Sections 302 and 201 of IPC at Police Station Dujana, District Jhajjar. His previous petition bearing CRM-M-9637-2024 had been dismissed vide order dated 15.05.2025.

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2. As per the allegations, on 16.09.2022, dead body of one person was found lying on the road abutting the agricultural land of complainant Dharampal. Injuries were found on the person of the dead body. A case under Section 302 was registered. Investigation proceedings were initiated. On 17.09.2022, Jagdev Singh along with his family members identified the dead body to be of that his son Mayank. He recorded his statement that the victim was missing since the evening of 15.09.2022 and a missing report had been lodged by them. He also stated that on making inquiries at his own level, he had come to know that his son was taken by the petitioner along with co-accused Vinayak and their other accomplices, in a verna car and after being murdered, was thrown on the highway to destroy evidence. He disclosed that both the petitioner and Vinayak were missing from their respective houses since the night of 15.09.2022 and their phones were also switched off. The petitioner and co-accused were nominated as such. They were arrested on 21.09.2022. They suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. The verna car used by them at the time of commission of subject offence had already been got recovered from them in another case registered at police station Jaffarpur Kalan, New Delhi. The petitioner got recovered the clothing worn by him at the time of occurrence. He demarcated the place where the dead body of the victim was thrown and also the place where co-accused and himself, had thrown the cell phone and footwear of the victim. Investigation now stands concluded.

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3. It is argued by learned counsel for the petitioner that after dismissal of his previous petition on 15.05.2025, the trial has not progressed much further as only 21 out of 35 prosecution witnesses have been examined so far. Each day spent by him in custody, has furnished a reason afresh to seek concession of bail. Trial will take further time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that the present one being a successive petition is not maintainable. There is no drastic change in the circumstances. Trial is going on at a proper pace as 21 prosecution witnesses including material witnesses stand examined. There is nothing to show that there would be any further delay in conclusion of the trial. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. So far as the question of maintainability of this petition being second petition for grant of bail is concerned, it may be mentioned that, an accused has a right to move successive bail application for grant of bail and it is the duty of the Court, while entertaining such a subsequent bail application, to consider that any fresh ground which persuade it to take a view different from the one taken in the earlier application is made out or not? Only in case

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of some drastic and substantive change in the circumstances, subsequent petition can be entertained and the court if chooses to grant regular bail in second petition, then cogent and lucid reasons are required to be record. In the instant case, however, there is no such drastic change in the circumstances. The previous petition as filed by the petitioner was dismissed on 15.05.2025 by passing a detailed order. The trial is going on at a proper pace as 21 out of 35 prosecution witnesses have been examined. As such, it can also not be stated that there would be any undue delay in conclusion of the same. The allegations against the petitioner are quite serious in nature. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail.

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It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground 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)*. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd March, 2026

Parveen Sharma

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