



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

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**CRM-M No.71618 of 2025
Date of decision : 19.1.2026
Date of uploading : 19.1.2026**

Aehatsham

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sanawar Ali, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, 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.189 dated 9.4.2021 under Sections 397, 398, 307, 120-B and 201 of the IPC and Section 54 of Arms Act, 1959, registered at Police Station Gharaunda, District Karnal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At this time I SI Sultan Singh Police Station Gharaunda is present in the Police Station where one written application Amrish Kumar son of Sh. Ravinder Parsad Yadav resident of Chandpur, Bhanda Janki Nagar District Purniya Bihar now resident of Kasba Gharaunda came present in the police station and produced copy of which is attached herewith. To the SHO Police Station Gharaunda, Sir, I Amrish Kumar son of Sh Ravinder Parsad Yadav resident of Chandpur, Bhanda Janki Nagar District Purniya Bihar. At this time since 3 Years is working in June Trading Company near Central Bank Gharaunda owner Vinod Juneja. Today time about



07.45 PM, I by parking my Rickshaw was in the process of closing the shop with my owner Vinod Juneja. Vinod Juneja was sitting inside the shop then three young boys by putting mask entered in the shop. I and Sanju Pal also working in the shop. Behind these three boys 1-2 boys caught hold me and Sanju and started attacking on us with the ice breaking pork and then one customer also came in the shop to take material and these all three also caught hold him and snatched his mobile also. Out of those boys one boy bring out pistol and fired on Vinod Juneja standing in cabin which hit in abdomen of Vinod Entire incident has been recorded in the CCTV camera installed in the shop. All three boys prior to firing demanded the money bag. All three boys came with an intention to loot and kill Vinod Juneja. After hitting the bullet when Vinod Juneja came outside then taken him to Hospital and all three boys ran away after firing. Hence you are requested that strict legal action be taken against these three boys so that in coming time no one can think to commit crime. One person present at the spot given this application in writing and I am present in the Police Station. Sd/- Amrish Yadav.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.5.2021. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that all the private prosecution witnesses stand examined. Learned counsel has further submitted that the prime prosecution witnesses namely PW-1 Amrish Kumar Yadav and PW-2 Vinod Juneja have turned hostile, thus, the trial will not culminate into conviction. Learned counsel has further submitted that the petitioner has already suffered incarceration for more than 4 years and 7 months. Thus, regular bail is prayed for.

4. 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 16.1.2026 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 19.5.2021 and is stated to be in continuous custody since then. Challan stands presented, after culmination of investigation, on 19.8.2021. Total 24 prosecution witnesses have been cited, out of which 10 have been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions, including the weightage required to be attached to the testimonies of hostile witnesses; shall be gone into 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.

6.2 As per custody certificate dated 16.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years, 7 months and 20 days. As per the said custody certificate, the petitioner is stated to be involved in 5 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

6.3 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 3.11.2025. However, keeping in view the factual *milieu* of the case in hand, especially the extended incarceration of the petitioner and the slow pace of the 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/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

19.1.2026
Ashwanii

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