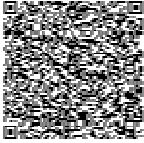


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2026:PHHC:006111



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Sandeep @ Katappa

....Appellant

versus

State of Haryana and another

....Respondents

Date of Decision: January 19, 2026

Date of Uploading: January 19, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Arman Goyal, Advocate for the appellant.

Mr. Gurmeet Singh, AAG Haryana.

None for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') for grant of regular bail to the appellant, in case bearing FIR No.122 dated 07.09.2021, registered for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25/ 54/ 59 of the Arms Act, 1959 (for short 'Arms Act') (Section 3(2)(v) of the SC/ST Act added later on), at Police Station Moohana, Sonipat.

2. The gravamen of the allegations against the appellant is that on 07.09.2021, a telephonic message was received at Police Station Mohana stating that Vivek alias Vicky had been murdered by a gunshot and that his dead body was lying in the fields near the road in Village Karewari. Acting on this information, the police reached the spot and found the dead body of a

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young boy lying in the fields with firearm injuries. At the spot, Ram Kuwar was present and submitted an application to the police stating that his younger son, Vivek alias Vicky, had left for Sonipat at about 8:30 A.M. in search of employment but did not return home till evening. Consequently, Ram Kuwar, along with his nephew, namely, Virender, started searching for him and eventually discovered his dead body in the fields near Village Karewari. He alleged that his son had been murdered by unknown persons by firing gunshots.

3. Learned counsel for the appellant has iterated that the appellant is in custody since 26.03.2022. Learned counsel has further iterated that the appellant has been falsely implicated into the FIR in question. Learned counsel has further argued that case in hand is one of the circumstantial evidence and all the prime prosecution witnesses stand recorded. Learned counsel has further iterated that the appellant has is in the custody for more than 03 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant are direct/ serious in nature and, thus, the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 16.01.2026, in the Court today, which is taken on record.

4.1. Office note indicates that respondent No.2 has been served, however, none has caused appearance on his behalf.

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

6. The appellant was arrested on 26.03.2022, whereinafter, the investigation was carried out and the challan has been presented on 31.05.2022. Total 27 prosecution witnesses have been cited, out of which, 11 have been examined and 04 have been given up till date.

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At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which 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.

20. We may hasten to add that the appellant 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.”

The rival contentions raised at Bar 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 appellant absconding from the process of justice or interfering with the prosecution evidence.

6.1. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The first bail plea was dismissed as withdrawn with liberty to file afresh with better particulars, on 12.11.2024, whereas, the last bail plea was dismissed on 27.08.2025. However, keeping

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in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for more than 04 months & pace of trial; this Court is inclined to affirmatively 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 custody certificate dated 16.01.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 03 years, 09 months and 21 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). However, this factum cannot

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be a ground sufficient by itself, to decline the concession of regular bail to the appellant 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.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present appeal is allowed. Appellant 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 appellant shall remain bound by the following conditions:

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone 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 appellant shall not in any manner try to delay the trial.

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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 appellant.
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

January 19, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No