



CRM-M-71474-2025

1

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

116

CRM-M-71474-2025

Rupesh

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 12.02.2026**Date of Uploading : 12.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Akash Vashisth, 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 bearing FIR No.297 dated 21.06.2024, registered for the offences punishable under Sections 148, 149, 307, 323, 427 of IPC and Sections 25, 27 of the Arms Act, 1959 (charge sheeted under Section 148, 307, 323, 427, 120-B of IPC and Sections 25, 27 of Arms Act, 1959) registered at Police Station Hodal, District Palwal (Haryana).

2. The gravamen of the FIR in question reflects that complainant namely Neetu submitted a complaint stating that on 21.06.2024, he and his friends Bhola (also known as Narveer), Hemu (also known as Hembabu) and Rambabau went to Jeet Nutrition Gym near Hasanpur Chowk, Hodal. After finishing their workout, they parked their car near Chirag Juice Corner



CRM-M-71474-2025

2

from the said car accused Girdhar, alongwith his associates Bhola, Rupesh (petitioner herein), Rohit, Yash, Monty, Pradeep and Trilok @ Kalu enlightened. They were carrying weapons. Two or three other boys also came on motorcycles and they were also carrying illegal guns. Accused Girdhar, who had a pistol, pointed it at Bhola alias Narveer. Meanwhile, his associates started damaging the car of the Neetu. Thereafter, accused Girdhar told Rupesh (petitioner herein) to shoot and accordingly Rupesh (petitioner herein) fired a shot from a country made pistol directly at the chest of Bhola with an intention to kill him. The other accused persons namely Bhola alias Praveen, Rohit, Yash, Monty and Pradeep also fired shots at Neetu and his friends. It has been further alleged that the assault was on account of an earlier fight between Neetu and group of Girdhar that had taken place six months before this incident. After shooting, Neetu and his friend Deepak took the injured Bhola to the Government Hospital in Hodal. Due to the serious condition, he was referred to Metro Hospital, Faridabad for further treatment. Based on these set of allegations, the FIR in question was got registered. The petitioner was stated to be arrested on 24.07.2024. Thereafter, the petitioner was granted the concession of interim bail for two months from 07.09.2024 to 07.11.2024 vide order dated 04.09.2024. He was directed to surrender before the Court on 07.11.2024. However, on account of illness and medical treatment, he could not surrender on the said date and eventually surrendered on 03.02.2025.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 24.07.2024. Learned counsel has further

iterated that the petitioner has been falsely implicated into the FIR in



question. Learned counsel has further submitted that though the allegations against the petitioner is of firing a shot into the chest of the injured but the prime witnesses including the FIR-complainant (Neetu) and the injured witness - Bhola alias Narveer are not repeatedly coming up to have their testimonies recorded despite bailable/non-bailable warrants having been issued. Learned counsel has further submitted that the petitioner, in another incident, has lost four fingers of his left hand besides the ring and little fingers of his right hand having been amputated. According to learned counsel, the petitioner is unable to perform his day to-day affairs on his own and needs attendant on routine basis. On the strength of these submissions, the grant of 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, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 26.01.2026, in the Court today, which is taken on record.

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 24.07.2024. Upon culmination of investigation, challan has been presented on 23.04.2025 wherein 25 prosecution witnesses have been cited, out of which none has been examined till date. A perusal of the zimni orders dated 22.07.2025, 31.07.2025, 11.08.2025, 26.08.2025, 16.09.2025, 24.09.2025, 23.10.2025, 27.11.2025 and 11.12.2025 reflects that trial is procrastinating and folly

thereof cannot be attributable to the petitioner. It would not be out of place



to mention here that bailable and non/bailable warrants have been issued against the FIR-complainant (Neetu) and the injured (Bhola alias Narveer) but they have not turned up to record their testimonies.

6.1. 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 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.”

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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2. As per custody certificate dated 26.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 01 month and 10 days. As per the custody certificate, the petitioner is shown to be involved in six other pending undertrial cases, details whereof are as under:

Sr. No.	FIR Details	Sections	Police Station
1.	FIR No.46/2021 dated N/A	3/25 of Arms Act	Chhatta, Mathura
2.	FIR No.03 dated 13.01.2021	307, 342, 34 IPC and 25-54-59 of Arms Act	Hassanpur, Palwal
3.	FIR No.75 dated 03.03.2018	148, 149, 323, 506 IPC	Hodal, Palwal
4.	FIR No.389 dated 02.10.2020	25-54-59 of Arms Act	Hodal, Palwal
5.	FIR No.45 dated 13.02.2021	147, 148, 149, 302, 120-B IPC	Chhata (Mathura, UP)
6.	FIR No.874 dated 21.11.2024	25-54-59 of Arms Act	Camp, Palwal

6.3. Indubitably, the petition in hand is the second attempt by the petitioner to seek regular bail. The first one was dismissed as withdrawn on 16.07.2025 wherein the following order was passed:

“Faced with the situation that PW-FIR-complainant and PW-injured have not been examined as prosecution witnesses, learned counsel appearing for the petitioner seeks to withdraw the petition in hand at this stage.

Ordered accordingly.

The trial Court is directed to make earnest endeavour for an expeditious recording of the testimonies of the above two PWs.”

Keeping in view the totality of the factual *milieu* of the case in hand; especially the pace of the trial including the FIR-complainant (Neetu)



and the injured (Bhola alias Narveer) have not turned up to record their testimonies despite bailable and non/bailable warrants have been issued against them as also the factum of the petitioner having suffered extended incarceration for another more than 06 months; 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.”

Suffice to say, further detention of the petitioner as an



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 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/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.



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

(SUMEET GOEL)
JUDGE

February 12, 2026
Ajay

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