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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(243)

CRM-M-71731-2025

Date of Decision: 14.01.2026

Date of uploading: 14.01.2026

Monu Nagar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE SUMEET GOEL.

Present:- Mr. Gaurav Singla, Advocate for the petitioner.

Ms. Priyanka Sadar, Sr. D.A.G., 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.279 dated 28.07.2025 registered under Sections 61(2), 287 and 308(2) of BNS, 2023 and Section 25(1B) (a) of the Arms Act, at Police Station City Ballabgarh, District Faridabad.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To the chowki Incharge Aggarsen Chowki, Ballabhgarh. Sir it is requested that I Mayank Sharma S/o Sh. Prem Sharma, resident of House No. 312, Street No. 6, Arya Nagar, Ballabhgarh. Today on 27.07.2025, I came to my house from Sector 81 World Street at around 10.40 PM. I parked my car number HR-29BB-6900 VIRTUS, white in color, at the gate of my house and went inside my room. After that, after 10.15 minutes, suddenly there was a sound of gunshot. My father and



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I came out of the house and saw that someone had shot at the driver side window of my car. When I checked the cameras of the neighbors, a boy whose name and address was unknown was seen shooting at my car and running away. He went ahead and fled in a white colored FRONX car which did not have any number plate on the front or back. After that, an audio recording was sent on WhatsApp to my brother Jatin's mobile number (8745935201) from 9997184575. The sender is from our colony namely Devendra alias Kalu son of Kuber, has been demanding a ransom of Rs. 5 lakh from my brother since 22.07.2025 and has been threatening to kill him if he does not pay. The bullet that was fired on my car today was fired by Devendra alias Kalu. Please take legal action against Devendra alias Kalu and his accomplice and the life and property of me and my family should be protected.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.07.2025. Counsel has submitted that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the prime prosecution witness namely PW-Mayank Sharma has turned hostile on 03.12.2025 and thus the trial is not likely to conclude in conviction. Learned counsel has further submitted that petitioner has suffered incarceration for more than five months and is not having any previous antecedents. 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 13.01.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 29.07.2025, wherein investigation was carried out and challan stands presented on 30.09.2025. Total 17 prosecution witnesses have been cited out of which only three have been examined till date. It is, thus, indubitable that conclusion of trial will take long. The rival contention of learned counsel for the parties; as to whether; including the weightage required to be attached to the testimony of hostile witness namely PW2-Mayank Sharma/FIR/complaint, shall be gone into, during the course of the 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. As per custody certificate dated 13.01.2026 the petitioner has suffered incarceration for more than 05 months and has not been shown to be involved in any other case.

7. Indubitably, the instant petition is the second attempt by the petitioner to seek regular bail. The first petition was withdrawn on 11.11.2025. However; keeping in view the entirety of the case in hand especially the factum of extended incarceration of the petitioner and the prime prosecution witness namely Mayank Sharma (PW-2) turning hostile on 03.12.2025 i.e. after the date of withdrawal of the first petition before this Court, this Court is inclined to affirmatively consider the petition in hand. A profitable reference, in this regard, can be made to a judgment of



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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



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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.”

8. 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/Illaqqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

11.



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11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.01.2026
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No