



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

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**CRM-M No.73004 of 2025
Date of decision : 12.1.2026
Date of uploading : 13.1.2026**

Rahul**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jatinder Kumar Kansal, Advocate and
Mr. Abhinav Gupta, 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.246 dated 8.9.2023 under Sections 302/201/34 of IPC, registered at Police Station Rampura, District Rewari.
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 SHO, Police Station Rampura, Rewari. Sir, I, Babulal son of Omkar aged 52 years, am a permanent resident of Village Bohatwas Ahir, Police Station Rampura, District Rewari. I work as a mason. I have four children: two sons and two daughters. Both my daughters are married. My elder son, Gaurav, is 21 (as legible) years old, and my younger son, Sachin, is 22 years old. Both are unmarried and work as laborers. On the



evening of 07.09.23, at around 8:30 PM in evening, my elder son Gaurav did not return home. I tried to contact him on his mobile number 7428238072, but the phone was switched off, so I couldn't contact him. My family and I searched for him during the night but could not find him. The next morning, on 08.09.23, at around 6 AM in morning, I was informed that my son Gaurav alias Gauru, was found dead in the playground of our village. Upon receiving this information, I, along with my family members, reached the spot and saw that my son's body was lying there. His head was severely injured with bricks and stones, leaving it completely crushed. It appears that my son was murdered, and the culprits tried to destroy evidence to conceal his identity. I suspect that the murder of my son, Gaurav, was carried out by Rahul son of Shri Bhagwan (as legible) and Pradeep son of Attar Singh resident of Bohtawas Ahir and Praveen son of Shri Bhagwan, residents of Bohatwas Ahir along with some of their accomplices. After ensuring all details, I am submitting this written complaint. Please provide me the justice and ensure that the accused are punished strictly. Sd/- Babulal Complainant Son of Omkar Village and Post Office Bohatwas Ahir, Mobile: 9812718239 Dated: 08.09.23 Police Action: Today dated 08.09.23.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 8.9.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the witnesses, whose statements were recorded under Section 164 Cr.P.C., have not implicated the petitioner. Learned counsel has further submitted that the case in hand is not one of eye witness account. Learned counsel has further submitted that initially the FIR was got recorded only on the basis of suspicion and there is further delay by the police and the said delay is unexplained. Learned counsel has further submitted that the first bail petition preferred on behalf of the petitioner was dismissed as withdrawn on 15.1.2025 as the last seen witnesses namely; Monu son of Satbir and Narender @ Vicky



were not recorded as prosecution witnesses but there is a deliberate attempt on behalf of the said witnesses in not appearing before the Court despite being repeated summons/bailable warrants issued against them. 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 12.1.2026 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 8.9.2023 wherein after investigation was carried out and challan stands presented on 7.12.2023. Total 26 prosecution witnesses have been cited but only 2 have been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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.

6.1 As per custody certificate dated 12.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2



years, 4 months and 2 days & is not shown to be involved in any other case.

6.2 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 15.1.2025, wherein the following order was passed:

- '1. Faced with the situation that the prime prosecution witnesses i.e. last seen witnesses (Monu s/o Satbir and Narender @ Vickey s/o Naresh) are yet to be examined as prosecution witness, learned counsel for the petitioner seeks to withdraw the present petition at this stage.*
- 2. Dismissed as withdrawn, for the nonce.*
- 3. Pending application(s), if any, shall also stand disposed off.'*

Keeping in view the factual *milieu* of the case in hand; extended incarceration suffered by the petitioner and seemingly deliberate attempt on the part of the witnesses not to appear before the Court, which is decipherable from the orders dated 2.5.2025, 4.7.2025 and 25.7.2025; as also an application having been preferred under Section 319 of Cr.P.C. for summoning additional witnesses, this Court is inclined to favourably consider the instant plea for bail.

6.3 At this juncture, 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/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.

(SUMEET GOEL)
JUDGE

12.1.2026
Ashwani

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