

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

2026.PHHC.064201



108+209

CRM-M-9019-2026 (O&M)
Date of decision : 27.04.2026

Sunil @ Sheela

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gautam Dutt, Senior Advocate with
Ms. Nidhi Sharma, Advocate,
Mr. Rehan Gupta, Advocate and
Mr. Yajur Mago, Advocate
for the applicant-petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. P. K. Hooda, Advocate,
Mr. Sumit Ruhel, Advocate,
Mr. Ankit Kumar, Advocate,
Ms. Manya Anand, Advocate and
Ms. Vanshika Kochhar, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. CRM-18161-2026

Allowed as prayed for. Documents are taken on record as

Annexure P-4.

2. CRM-M-9019-2026 (O&M)

The instant one is the second petition that has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 651 dated 16.11.2022 registered under Sections 365, 494, 302 and 201 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Ganaur, District Sonapat. His previous petition was dismissed by this Court on 01.09.2025. The facts of the case, as noticed by this Court in the previous petition, are as under:

“The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Roshni Devi alleging therein that her sister’s daughter Monika had passed Ilets exam and had gone to Canada. In January, 2022, the petitioner had called her back to India by inducing her on the pretext of performing marriage with her and now he had abducted her. Despite making a search for her, they were unable to find her. On her complaint, initially, a case under Section 365 of IPC was registered. Investigation proceedings were initiated. It was revealed that on 21.01.2022, the petitioner had performed marriage with Monika at Arya Smaj Marriage Trust, Gaziabad. The petitioner was arrested on 02.04.2023. On interrogation, he suffered disclosure statement on the basis of which, offences under Sections 201, 302 and 494 of IPC read with Section 25 of Arms Act were added. The dead body of victim-Monika was got recovered at the instance of the petitioner from his farm house. It was identified by the complainant and her family members. The victim had been killed by the petitioner and her dead body had been concealed by him only. He suffered another disclosure

statement and got recovered the weapon of offence. After completion of usual formalities of investigation, challan was presented against the petitioner and he is facing trial for commission of offences of abduction and murder of the victim.”

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner has remained in custody for a period over three years. However, the trial is still not likely to be concluded in near future as only 19 out of total 43 prosecution witnesses have been examined so far. He is suffering from severe lower back pain and there is numbness in his right lower limbs. He is having difficulty in walking and sitting. The pain in his body is increasing gradually. He has not been provided proper treatment in the jail. Moreso, there is no direct evidence of committing murder by him. The DNA report, which is to prove that the skeleton was of the dead body of the victim, is yet to be received. No useful purpose would be served by keeping him into custody anymore. Each day spent by him in custody has given a fresh ground to seek concession of bail. It is, therefore, urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the present petition, being a successive one, is not maintainable. His previous petition had been dismissed by this Court by passing a detailed order. There is no substantial or drastic change in the circumstances. The petitioner is being provided due medical treatment in jail. The trial is going on at a proper pace and may be expedited further. It is, thus, stressed that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. Undoubtedly, a second/successive bail petition is maintainable in law. However, for such a petition to succeed, the petitioner/accused must show some substantial change in the circumstances and showing of a mere superficial or ostensible change would not suffice. Reference in this regard can be drawn to the observations made by this Court in ***CRA-S-2322-2022 titled as Rafiq Khan Versus State of Haryana and another***, wherein it was observed so and it was further held that in case a Court chooses to grant second/successive regular bail petition, cogent and lucid reasons are pertinently required to be recorded for granting such plea. In the instant case, the only ground which is taken by the petitioner is the prolonged period of incarceration and his ailments. This Court is of the considered opinion that though the petitioner has remained in custody for a considerable period, however, mere prolonged incarceration cannot be construed as a sufficient ground for grant of regular bail, particularly in cases involving allegations of serious and heinous offences such as the present one, where the trial is already underway and there is nothing on record to show that there would be any delay in conclusion of the same. Even otherwise, the right to seek bail on the ground of delay must be balanced against the gravity of the allegations and the overall facts and circumstances of the case. So far as the medical condition of the petitioner is concerned, it has been categorically stated that he is being provided necessary medical treatment while in custody. No material has been placed on record to suggest that the treatment being provided is inadequate or that his condition is of such a nature which cannot be effectively managed

within the jail premises. There is also nothing to indicate that his health is likely to deteriorate in case he is not released on bail. In the absence of any such compelling circumstance, the plea on medical grounds does not merit acceptance. Keeping in view the discussion as made above, this Court is of the considered opinion that no case is made out for release of the petitioner on bail. Accordingly, the petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

[MANISHA BATRA]
JUDGE

27.04.2026
Waseem R. Ansari

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |