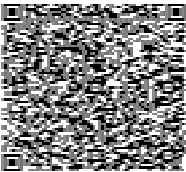




2026:PHHC:075062



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20194-2026 (O&M)

BAL BAHADUR SHARKI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

1	The date when the judgment is reserved	12.05.2026
2	The date when the judgment is pronounced	13.05.2026
3	The date when the judgment is uploaded on the website	13.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Swayam Bansal, Advocate for the petitioner

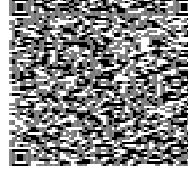
Mr. S.K. Panwar, Additional Advocate General, Haryana

MANISHA BATRA, J.

1. The instant one is the second petition preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.433 dated 28.07.2024 registered under Sections 3(5), 309(4), 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and Sections 25 and 25(1)A of Arms Act, 1959



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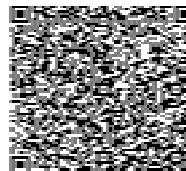
at Police Station Suraj Kund, District Faridabad. His first petition had been dismissed by this Court on 27.05.2025.

2. As per the allegations, the complainant Ritu Khanna had hired accused Karishma as a domestic helper on 25.07.2024. On the night of 27.07.2024, the complainant found accused Karishma while talking to someone on phone. Some time thereafter, 02 youths called by accused Karishma entered inside the house of the complainant. They pointed pistol towards the complainant and took out her gold, diamond jewellery, cash amount of Rs.75,000/- and other belongings and thereafter fled away alongwith accused Karishma. The petitioner and co-accused were arrested on the basis of a secret information on 29.07.2024. They got recovered the looted jewellery and one countrymade pistol. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 29.07.2024. A false recovery has been planted upon him. His previous petition was also dismissed about one year back. There has been no progress in the trial as only 01 prosecution witness has been examined so far. There are no chances of conclusion of trial in the near future. Each day spent by him in custody has furnished a new ground to seek concession of bail afresh. It is thus, argued that he deserves to be extended benefit of bail and the petition deserves to be allowed.



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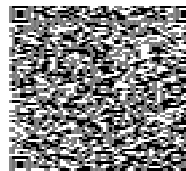
4. Per contra, learned State counsel has argued that the previous petition of the petitioner had been dismissed by passing a detailed order. There is no substantial or drastic change in the circumstances. He is alleged to have committed offence punishable under Section 310(2) of BNS which is punishable upto life imprisonment. There are chances of his absconding as he hails from Nepal. It is, therefore, argued that the petition is not maintainable and is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. So far as the question of maintainability of this petition being successive one is concerned, it may be mentioned that, an accused has a right to move successive bail application for grant of bail and it is the duty of the Court, while entertaining such a subsequent bail application, to consider that any fresh ground which persuade it to take a view different from the one taken in the earlier application is made out or not. It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. The denial of bail comes with a condition that the prosecution must press for early completion of the trial. The petitioner alongwith the co-accused is alleged to have committed the offence of dacoity which entails punishment upto life imprisonment. The petitioner stands accused of a heinous crime punishable with life imprisonment. The allegations *prima facie* show his involvement in the occurrence while having knowledge



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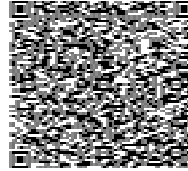


that such offences are likely to be committed in prosecution of common object. The allegations against him are quite serious in nature. Undoubtedly the incarceration of the petitioner is a prolonged one as he is in custody since 29.07.2024. However, the well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. It is also well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. As such, the petitioner is not entitled to be released on bail only on the ground of period spent by him in custody. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the



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case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

13.05.2026*Amit Sharma***Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**