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CRM-M No.25950 of 2026

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

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**CRM-M No.25950 of 2026
Date of decision : 13.5.2026
Date of uploading : 13.5.2026**

Sushant alias Saurabh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Kumar Lathwal, 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.640 dated 19.8.2025 under Sections 309(4), 126, 115 of Bharatiya Nyaya Sanhita, 2023 (Sections 309(6), 310(2), 61 of BNS added later on), registered at Police Station Kundli, District Sonipat.

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

'To, SHO, Kundli Police Station, Subject: Assault, robbery and threat to kill. Sir, I requested that I am Ashish Kumar son of Ram Prakash Verma, resident of Kothipurwa Post Office Dev Kalia, Police Station Rampur Kalan, District Sitapur, Uttar Pradesh and currently I am residing in Jain Dharm Katan Wali Gali, Pyau Maniyari, Kundli. That yesterday, on dated 18th August, at 0:5:00 pm, in front of NIFTAM Chowk, Kundli, my friends,



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colleague Neeraj and Suraj were going to their homes with me on Suraj motorcycle, when 3/4 people came riding on two bikes, stopped their motorcycle in front of us and started beating us, due to which my friends Suraj and Neeraj saved themselves and ran away. All the boys beat me up and asked me for the password of my phone. After beating me up, they left me on the spot and ran away with my phone. I got myself treated at the General Hospital, Sonipat. I was very scared, today I came to know that a total of Rs. 71,700/- has been transferred from my phone to two different accounts by those boys, I can identify all of them if they come forward. I do not know their name and address. Strict legal action should be taken against the boys.'

3. Learned counsel for the petitioner has urged that the petitioner is in custody since 26.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses; namely Ashish, Suraj and Neeraj have turned hostile and thus, the trial is not likely to culminate into conviction. Hence, 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 11.5.2026 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 26.8.2025 wherein after investigation was carried out and challan was presented on 16.11.2025. Total 23 prosecution witnesses have been cited, out of which only 4 have been examined till date. It is thus indubitable that culmination of trial will



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take its own time. The rival contentions; including the weightage required to be attached to the hostile witnesses; shall be gone into 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 11.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 16 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 7.4.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the witnesses having been turned hostile after withdrawal of the first bail petition, this Court is inclined to favourably 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 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/Illaq 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



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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

13.5.2026

Ashwanii

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No