



208

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-26555-2026**

Shabbir

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: May 15, 2026**Date of Uploading: May 15, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Pawan Kumar, Senior Advocate with
Ms. Vidushi Kumar, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

Mr. Amit Jain, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present 2nd petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case FIR No.293 dated 12.10.2024, registered under Sections 115, 190, 191(3), 351(2) and 103(1) of the BNS (added later on), at Police Station Sadar Tauru, District Nuh Mewat, Haryana.

2. The gravamen of allegation against the petitioner is that the complainant, namely Malkeet Singh, stated that on 08.10.2024 at about 04:00 PM, certain women were working at his shop when Sabbir, Nazim and others allegedly started harassing the said women and recording videos of them on a mobile phone. When the women objected thereto, the accused



CRM-M-26555-2026

2026:PHHC:076562

persons allegedly hurled abuses at them. The women thereafter narrated the incident to the complainant.

Upon this, the complainant along with his brother, Kuldeep, went to the place of occurrence and objected to the alleged acts of the accused persons. However, Sabbir and Nazim allegedly started abusing them and extended threats of dire consequences. In the meantime, both the accused allegedly called other persons, who arrived armed with *lathis*, *dandas*, iron rods and other weapons. Thereafter, all the assailants allegedly assaulted the complainant by giving fist and kick blows and by beating him with *lathis* and *dandas*, as a result of which he sustained multiple injuries. It was further alleged that when Kuldeep attempted to rescue the complainant, the assailants also assaulted him with *lathis*. One Bhuru allegedly threatened them with dire consequences. According to the complainant, the women present at the spot intervened and rescued them; otherwise, the assailants would have killed them. It was further stated that the police officials were informed, and upon noticing their arrival, Sabbir allegedly fired in the air and again extended threats of dire consequences.

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 28.10.2024. Learned senior counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has argued that though the petitioner is named in the FIR, but no specific role has been attributed to him. Learned senior counsel has urged that the deceased got injuries in the incident in question on 08.10.2024, but later on succumbed to the same on 24.10.2024 on account of his comorbidities and compromised body, though allegedly on account



CRM-M-26555-2026

2026:PHHC:076562

injuries suffered by him in the incident in question. Learned senior counsel has further urged that the petitioner has suffered incarceration for more than 01½ years and has clean antecedents. Learned senior counsel has further urged that all the prime private prosecution witnesses stand examined and there is no likelihood of the petitioner interfering with the remaining witnesses as the same are official/ police witnesses. 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 13.05.2026 in Court, which is taken on record.

4.1. Learned counsel for the complainant has also vehemently opposed the petition in hand by arguing that the allegations against the petitioner are serious in nature. Learned counsel has further argued that the petitioner is specifically named in the FIR and was a member of unlawful assembly, which has committed murder of the deceased – Malkeet Singh, hence, he ought not be extended the concession of regular bail. It has been further contended that, in case, the petitioner is granted concession of regular bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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



6. The petitioner was arrested on 28.10.2024, whereinafter, the investigation was carried out and the challan *qua* the petitioner stands presented on 15.01.2025. It is also not in dispute before this Court that out of total 29 cited prosecution witnesses, 09 have been examined and 03 have been given up till date. It is common ground that all the prime private prosecution witnesses stand examined.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issued, which shall essentially 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 13.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 14 days, & is not shown to be involved in any other FIR(s).

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 19.11.2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in trial, 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, if not required in any other case, 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 cellphone 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



CRM-M-26555-2026

2026:PHHC:076562

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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 15, 2026
jatin

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No