



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

(135)

CRM-M-67911-2025 (O&M)
Date of decision : 24.03.2026

RAHUL CHHIKARA

... Petitioner

Versus

STATE OF HARYANA AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepender Singh, Sr. Advocate with
Mr. Dharamvir Singh, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

MANISHA BATRA, J. (ORAL)

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.076 dated 23.03.2025 registered under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") (Section 103(1) & 3(5) of BNS were deleted and Section 105 of BNS was added) at Police Station Sadar Bahadugarh, District Jhajjar. His first bearing CRM-M-34698-2025 was dismissed as withdrawn.

2. The aforementioned FIR was initially registered under Section 103(1) read with Section 3(5) of BNS, on the basis of a written complaint



submitted by the complainant Sunita alleging therein that her brother Pawan, her 02 sisters and she herself owned some agricultural land in Village Kanaunda. Her brother was interested to sell his house in the village and the above-said land. For this purpose, some deal was going on with a co-villager-Rahul i.e. the present petitioner. The petitioner alongwith one youth and her brother had come to her matrimonial house at Village Bakner about 15-20 days back. The complainant had told her brother to firstly offer to sell their property to some of their family members and suggested that if none was interested only then the same could be sold to anyone else. The petitioner felt offended at this and started telling her brother that he had back-tracked from his promise to sell his land to him. He insisted for making payment of some earnest money but her brother refused to do so and then by extending threats and hurling abuses to her brother, the petitioner had left. Her brother had stayed with her and went back to his village about 2-3 days thereafter. In the morning of 23.03.2025, she received information that her brother had been drowned in a well existing in their agricultural land. On reaching there she found the dead body of her brother floating in the well. There were marks of injuries on his head. The complainant alleged that she had made inquiries at her level and had come to know that the petitioner alongwith her brother and Amit were present at the spot at the time of occurrence. By further alleging that her brother had been killed by the petitioner and the above-said Amit and then was drowned in the well, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The post-mortem of the dead body of the victim was conducted. During



investigation, the statement of Amit under Section 183 of BNSS was recorded. The petitioner was arrested on 27.03.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime. Offence under Section 103(1) was deleted during the course of investigation and offence under Section 105 of BNS was added. Investigation now stands concluded.

4. It is argued by learned Senior counsel for the petitioner that he has been falsely implicated in this case. The statement of eye-witness Amit as recorded under Section 183 of BNSS clearly shows that during a verbal altercation that had taken place between the petitioner and the victim, he had only given a fist blow to him. The victim, however, had lost balance and had fallen in the well. PW Amit had even jumped into the well to save the victim. It was the petitioner who with the help of other persons had taken Amit out of the well. There is total absence of *mens rea* on the part of the petitioner for causing death of the victim. The complainant was not an eye-witness to the occurrence. The allegations as narrated in the FIR are entirely based on assumptions and suspicions. He is in custody for a period of almost a year. The trial will take considerable time to conclude. He is not required for further investigation. Now challan has been presented under Section 105 of BNS showing that he did not have any intention to commit murder of the victim. No useful purpose would be served by detaining him in custody anymore. His antecedents are clean. It is, therefore, urged that the petitioner deserves to be released on bail.

5. Status report has been filed. Learned State counsel has argued that the petition being a successive one is not maintainable as there is no change in



the circumstances from his previous petition. It is further argued that there are serious allegations against the petitioner. He had animus to cause death of the victim since the latter had refused to sell his land to the petitioner a few days back. The petitioner did not make any attempt to save the victim. The victim knew how to swim and could have certainly saved himself, if he had fallen into the well by stumbling, however, it was not so. Several injuries were found on the dead body of the victim which are clearly suggestive of the fact that the petitioner had firstly been assaulted and caused injuries and then he was thrown into the well by the petitioner. The material witnesses namely the complainant and PW Amit are yet to be examined. There are chances of petitioner's intimidating them. With these broad submissions, it is urged that the petition does not deserve to be allowed.

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

7. So far as the aspect of maintainability of the petition is concerned, successive petition for grant of bail is maintainable, however, the petitioner must give some lucid and substantive reasons for filing the same alongwith some drastic change in the circumstances. The petitioner withdrew his first petition on 15.10.2025 and thereafter this petition had been filed on 29.11.2025. No substantive or drastic change in the circumstances has also been pointed out and on this very ground, the petition cannot be stated to be maintainable. Moreso, the petitioner is alleged to have assaulted the victim on the fateful night near the well in question. He had fallen into the well. The allegations *prima facie* make



out a case for commission of subject offence as against the petitioner who while knowing the result of his pushing the victim near the well could be his fall therein, still chose to push him. The allegations against him are serious in nature. The trial is at its nascent stage. The contention that he may intimidate the witnesses cannot be stated to be unfounded. There is nothing on record to show that there would be any undue delay in the conclusion of the trial. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. No compelling ground to allow the petition is made out. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

(MANISHA BATRA)
JUDGE

24.03.2026
Amit Sharma

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