

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

2026 PHC 096349



140

CRM-M-32653-2026 (O&M)
Date of decision: 15.07.2026
Date of uploading: 15.07.2026

Gurdass @ Chandi

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kirpal Jeet Singh, Advocate for
Mr. DPS Bajwa, Advocate, for the petitioner(s).

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition is second attempt, which has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR, No.264 dated 29.09.2023 registered for the offences punishable under Sections 364, 302, 201, 202, 212, 120-B, 34 IPC & 25 of Arms Act, Police Station Sadar Narwana, District Jind.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To SHO Sir, Narwana Sadar Sir, I request that I am Surendra son of Shri Ishwar Singh resident of Ujhana. We are two brothers and a sister. My sister's name is Sunita who is married to Raju son Major resident Gurthali.

My younger brother Ajay is 21 years old who works as a motorcycle mechanic in Narwana. He sleeps at the Narwana shop, sometimes in village Ujhana, sometimes goes to my sister Sunita's house in village Gurthali. I have come to know that my brother Ajay had an altercation with Gurdas son Dilbagh and Satnam son Darshan resident Gurthali 10-20 days ago Qn 26.09 2023, my brother Ajay went to my sister Sunita's bouse in village Gurthali, who went on a motorcycle and the motorcycle was white TVS. I do not know his number. I suspect that the above mentioned! Gurdas and Satnam might have kidnapped him and done something like killing him. Therefore I request you to search for my brother Ajay and take action against the accused. Ajay's phone number is 7419223103 which is now switched off. SD- Surendra Name- Surendra son of Shri Ishwar Singh resident of Ujhana (Jind) Mobile No. 9992094842 dated 29.09.2023 Today Police Station On receipt of the above application in the police station of the plaintiff, on the strength of the application, it was found that the crime under section 364 IPC was registered, so case no. 264 dated 29.09.2023 section 364 IPC Police Station Sadar Narwana was registered and copies of the First Information Report were prepared by computer, whose special report will be sent to the service of through E-MAIL Area Magistrate Sahib, Mr. Superintendent of Police Jind, Deputy Superintendent of Police Sir Narwana. The copy of the police along with the original application was taken by ASI along with constable Sonu 1302 along with the plaintiff to the spot of incident.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 29.09.2023. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further urged that the case in hand is not based on an eye witness account. Learned counsel appearing for the petitioner has further urged that substantial prosecution evidence has already been led and the petitioner is not in a position to tamper with the remaining evidence. Learned counsel

appearing for the petitioner has further submitted that the petitioner is a young man aged 23 years with no criminal antecedents. He has further urged that the petitioner has suffered incarceration for more than 2 years and 9 months and the delay in culmination of trial is not exclusively attributable to the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. He seeks to place on record custody certificate dated 05.07.2026, 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 29.09.2023 whereinafter investigation was carried out and challan was presented on 27.12.2023. Total 27 prosecution witnesses have been cited and out of which 19 have been examined till date. A perusal of the *zimni* orders dated 28.01.2026, 18.02.2026, 18.03.2026, 23.03.2026 as also 22.04.2026 brought forth by learned counsel for the petitioner during the course of hearing, reflects that trial is procrastinating and that folly thereof is not exclusively attributable to the petitioner. In any case, it is not disputed before this Court, the petitioner has already suffered incarceration for more than 2 years and 9 months and is a man with clean antecedents. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof 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.”

The rival contentions raised at Bar give rise to debatable, which issues shall 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. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-25969-2025 was dismissed as withdrawn on 11.03.2026 (Annexure P-7) vide the following order:

“1. Learned State counsel submits that the petitioner, who is main accused, has been in custody only for 2 years, 5 months and 10 days and only 14 formal witnesses remain to be examined, in view of which his learned counsel seeks withdrawal of the instant

petition, at this stage, however, prays that trial Court be directed to conclude the case in a time bound manner.

2. Ordered accordingly. Trial Court is requested to make an endeavour to decide the case expeditiously, in accordance with law.

However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of trial as also lackadaisical attitude of the prosecution, as reflected from the orders dated 18.02.2026, 18.03.2026, 23.03.2026 and 22.04.2026; 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.”

Further as per custody certificate filed by learned State counsel, the petitioner has suffered incarceration for a period of 2 years, 9 months and 2 days and is not shown to be involved in any other case/FIR.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/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

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

July 15, 2026
Naveen

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