

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Sumeet Goel, J.)

SATYAWAN @ SATTE

Vs.

STATE OF HARYANA

Criminal Miscellaneous (M) No. 35343 of 2026

Decided on : 21-07-2026

A. Criminal Procedure Code, 1973 (CrPC) — Bail — Second Bail Application — Maintainability — A second or successive bail application is maintainable in law and should not be rejected solely on that ground, even if the previous application was dismissed as withdrawn or on merits. [Para 6.1]

B. Criminal Procedure Code, 1973 (CrPC) — Bail — Change in Circumstances for Second Bail Application — For a second bail application to succeed, the applicant must demonstrate a substantial change in circumstances, not merely a superficial one — The determination of what constitutes a substantial change is left to the judicial discretion of the court. [Para 6.1]

C. Criminal Procedure Code, 1973 (CrPC) — Speedy Trial — Right to Speedy Trial — If the state or prosecution agency cannot ensure a speedy trial, they should not oppose a bail plea on the grounds of the seriousness of the crime, as the right to a speedy trial under Article 21 of the Constitution applies regardless of the nature of the offense. [Para 6]

D. Criminal Procedure Code, 1973 (CrPC) — Bail — Factors for Granting Bail — The court considered the petitioner's extended custody period, the slow pace of the trial, the fact that key prosecution witnesses had turned hostile, and the petitioner's clean antecedents and role as the sole breadwinner in granting bail. [Paras 3, 6, 6.2]

JUDGMENT

Sumeet Goel, J.-Present second petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.55 dated 06.04.2025, registered for the offences punishable under Sections 103 (1) of BNS, 2023

(Section 238 (b) of BNS added later on), at Police Station Bahuakbarpur, District Rohtak

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

"First Information Contents:

To.

The SHO,

PS Bahuakbarpur,

Sir, I request that I am Jagbir S/O Shri Bakshiram, resident of village Madina Gidhran. I am married and have children and work as an electrician. We are three brothers. The eldest is Rambir Karambir and the youngest is my brother Karambir. My brother Karambir was unmarried and used to live with my elder brother Rambir. My brother Karambir used to work as a daily wage labourer with Satyawan alias S/O Rameher of our village. Yesterday on 05.04.2025 at around 8/9 am Satyawan took my brother Karambir home for daily wages. Then at around 11 am Satyawan called me on my mobile number 9306496582 and informed me that Karambir is with me. Today at around 8/9 am Satyawan's son Rajesh called me and informed me that your brother is injured and he called to inform me about this. I thought that he might have got some minor injury but when my brother did not come home for a long time, I and my brother Rambir went on our motorcycle number H.R.15B 3499, to the Kotda built in Satyawan's field, my brother Karambir was lying in a bloody condition in the veranda built in front of the Kotda, so I asked my brother Karambir, Karambir told me that Satyawan had hit him and when he asked me to give water, I gave water to my brother and my brother's shirt and parna were lying nearby and my brother's slippers were not there, my brother was not able to walk because both his legs were broken, then both of us brothers brought Karambir by making him sit in the middle of the motorcycle, then we took my brother to the Dharamshala built near our house. And called a doctor from the medical store nearby and then I went to our Panchayat's Sarpanch representative Jagbir and when I came back the doctor told me that he had died then my family members called 112 and informed the police that my brother Karambir was murdered by Satyawan s/o Ramher village Madina due to unknown reasons, legal action should be taken against Satyawan. SD-Jagbir."

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 06.04.2025. Learned counsel appearing for the petitioner submits that the petitioner was primarily involved into the FIR in question on account of suspicion. He has further urged that the prime prosecution witness namely PW-Jagbir (FIR-complainant) as also another brother of the deceased namely PW-Rambir have turned hostile & thus, trial is not likely to culminate into conviction. Learned counsel appearing for the petitioner further submits that the petitioner has suffered incarceration for more than 1 year and 3 months and is a person with clean antecedents. Learned counsel for

the petitioner has further urged that the petitioner is a man aged 57 years and is the sole bread-earner of his family. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.07.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 06.04.2025 whereinafter investigation was carried out and challan has been presented on 02.07.2025. Pursuant to the petitioner having been arraigned as an accused on 22.07.2025, only 7 witnesses out of total 25 cited witnesses have been examined. It is not in dispute that the conclusion of trial will take long. 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 the Bar; including the weightage required to be attached to the testimonies of the hostile witnesses namely PW-Jagbir (FIR-complainant) as also another brother of the deceased namely PW-Rambir; give rise to debatable issues which shall be ratiocinated upon during the course of the 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-66640-2025 was dismissed as withdrawn on 17.02.2026 (Annexure P-9). However, keeping in view the entirety of facts and circumstances of the case in hand especially keeping in view the extended custody and pace of 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."

6.2. Further, as per custody certificate dated 20.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 1 year, 3 months and 13 days & is not shown to be involved in any other FIR/case.

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 trial Court/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 of.