

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

CNR No: PHHC010583212026

2026:PHHC:119461



211

CRM-M-20178-2026 (O&M)

Date of decision: 26.08.2026

Date of uploading: 26.08.2026

Gurbinder Singh @ Gurbhinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rhythem Bajaj, Advocate, for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of BNSS, 2023 on behalf of the petitioner to secure regular bail in case bearing FIR No. 64 dated 17.06.2024 (Annexure P-1) registered for the offences punishable under Sections 307, 326, 323 IPC, 1860 and 120-B, 201, 148, 149, 364 IPC, 1860, added later on [Corresponding Section in B.N.S. are 109, 119, 115(2), B.N.S. 2023 and Section 61, 238, 191(3), 190, 140, of B.N.S., 2023, added later on], registered at Police Station Bahawwala, District Fazilka.

2. Learned counsel appearing for the petitioner has urged that the petitioner is in custody since 30.07.2024. Learned counsel appearing for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further urged that the petitioner was not initially named into the FIR in question, but came to be implicated subsequently. Learned counsel has further urged that the

injured-Sarwan Singh already stands examined. Learned counsel has further urged that the petitioner has already suffered incarceration for more than 2 years & is a person with clean antecedents. Thus, regular bail is prayed for.

3. Learned State counsel has vehemently opposed the present petition by iterating that the allegations raised against the petitioner are serious in nature. He has further argued that the petitioner may flee from the process of law, in case he is released on bail and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.08.2026 in Court, which is taken on record.

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

5. The petitioner was arrested on 30.07.2024 and is stated to be in continuous custody since then. Upon culmination of investigation, challan was presented on 11.09.2024. It is the conceded case before this Court that out of total 23 cited prosecution witnesses, only two have been examined whereas one has been partly examined & one has been given up, till date. It is, thus, indubitable that 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 in ***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.”

Keeping in view the factual milieu of the case in hand; especially the factum of petitioner having been suffered incarceration for a period of 2 years & 22 days; the petitioner being a man with clean antecedents, the prime prosecution witness namely Sarwan Singh—injured having been examined & trial is not likely to culminate in near future; this Court is inclined to afford the concession of regular bail to the petitioner.

The rival contentions raised at the Bar, give rise to debatable issues, which shall be ratiocinated 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. Further, as per custody certificate dated 26.08.2026 filed by learned State counsel, the petitioner is stated to have suffered incarceration for 2 years and 22 days & is not shown to be involved in any other case/FIR.

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-12721-2025 was dismissed as withdrawn on 03.11.2025 (Annexure P-5).

However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and glacial 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.”

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 the concerned Trial Court/Duty Magistrate as directed hereinabove, or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for cancellation of the petitioner's bail.

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 stand disposed of.

(SUMEET GOEL)
JUDGE

26.08.2026
Naveen

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