

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21775 of 2026

Parvej Masih

... Petitioner

Versus

State of Punjab

... Respondent

1.	The date when the judgment is reserved	11.08.2026
2.	The date when the judgment is pronounced	13.08.2026
3.	The date when the judgment is uploaded on the website	13.08.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Randhawa, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the

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petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.89 dated 26.05.2025 registered under Sections 103, 109, 111, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Section 25 of Arms Act, 1959 (Sections 249, 253 and 113(1) of BNS added later on) at Police Station Ghuman, District Police Batala, District Gurdaspur. The previous petition as filed by the petitioner had been dismissed as withdrawn vide order dated 14.01.2026.

2. Briefly summarized, the facts of the present case are that on 26.05.2025, the police party received a secret information to the effect that gangster Baljinder Singh @ Billa and his associate Gurpreet Singh @ Gora were present in a white colour Endeavour car at Bawa filling station, Sri Hargobindpur where certain members of a rival gang arrived in a black colour Verna car and both the parties fired shots upon each other. It was informed that Gurpreet Singh @ Gora suffered fatal injuries in the shootout and died at the spot and Baljinder Singh @ Billa suffered injuries. On the basis of this information, the aforementioned FIR was registered.

3. During the course of investigation, accused Nelson Masih was nominated on the allegations that he had fired shots upon Baljinder Singh and Gurpreet Singh. He was arrested and suffered disclosure statement to the effect that the petitioner had arranged accommodation and food at the house of Hira Singh for the principal shooters. The petitioner was nominated as accused. He was arrested on 19.06.2025. Investigation now stands

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completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. There is no direct evidence on record to connect him with the commission of subject offences. He is in custody since long. The trial will take considerable time to conclude. His further incarceration will not serve any fruitful purpose. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. So far as the maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. The petitioner is alleged to have facilitated the

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house of Hira Singh for the principal shooters. The role attributed to the petitioner is limited and is of a facilitator which is a distinct and remote offence from the commission of offence of murder. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion as to the involvement of the petitioner in commission of subject offences can be drawn. The petitioner is in custody since 19.06.2025. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. In view of the foregoing discussion particularly the limited role as ascribed to the petitioner, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.08.2026
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(MANISHA BATRA)
JUDGE

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