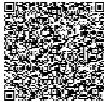


IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:096058



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CRM-M-29677-2026 (O&M)
Date of decision: 15.07.2026
Date of uploading: 15.07.2026

Avtar Singh Petitioner

V/s

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Bhalla, Advocate &
Mr. Sukhjit Singh, Advocate (Through V.C.),
for the petitioner(s).

Mr. Hemant Aggarwal, DAG, Punjab.

Mr. Vijay Lath, Advocate &
Mr. Nuveen Sharma (Moudgil), Advocate,
for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition is third attempt, which has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No. 216 dated 26.08.2025 (Annexure P-1), registered for the offences punishable under Sections 109, 115(2), 333, 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (Section 238 of the Bharatiya Nyaya Sanhita, 2023 added subsequently), at Police Station Sohana, SAS Nagar, District Mohali.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of statement, "Statement of Avtar Singh s/o Nachattar Singh, r/o Village Geega Majra, P.S. Sohana Distt. SAS Nagar, aged about 45 years, M.No. 978065392 stated that I am resident of above said address and doing a private job. Yesterday on 25.8.2025 at about 6.30 PM I was standing outside my house and then I came to know that Harinder Singh s/o Gurnam Singh, Gurmukh Singh @Bittu son of Sajjan Singh, Harkirat Singh son of Harwinder Singh, residents of village Geega Majra are beating my son Prabhsimran Singh aged about 17/18 years. Then I was going on my motor cycle to save my son then from little distance from my house, Harwinder Singh, Gurmukh Singh and Harkirat Singh met me and started beating me after taking me down from my motor cycle. Harwinder Singh gave chaku/knife' blow to me on my right arm and Harkirat Singh gave danda/wooden stick blow on my left ankle and due to that I suffered serious injury. I raised a alaram which attracted my wife Rupinder Kaur on the spot. She started saving me and Harwinder Singh gave chaku/knife blow to Harwinder Singh on her right alaram. After hearing our alaram the people from our neighborhood gathered at the spot and they saved us from the clutches from the above said persons. The bone of contention is that we are having the Proper dispute with Harwinder Singh which was already settled but even then Harwinder Singh and others are nursing grudge against us. Then my brother Darbara Singh got admitted me and my wife Rupinder Kaur in Civil Hospital, Phase-6 Mohali where I along with my wife is under treatment. I had got recorded my statement in the presence of my wife Rupinder Kaur read and heard the same which is correct. Sd/-Avtar Singh, verified By Sd/-Rupinder Kaur Certified by Balbir Singh ASI, PP Saneata P.S. Sohana Dated 26.08.2025.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.08.2025. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that infact the FIR-complainant was the aggressor and the petitioner as also his wife had also received injury(s) in the incident in question. Learned counsel

appearing for the petitioner has further argued that the FIR-complainant/injured namely Harwinder Singh already stands examined as a prosecution witness. Learned counsel has further urged that the petitioner is a man aged 46 years with clean antecedents. Thus, regular bail is prayed for.

4. State has filed short reply dated 01.07.2026 by way of affidavit of Deputy Superintendent of Police, City-2, SAS Nagar (Mohali). Raising submissions in tandem with the said reply, 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 14.07.2026, which is taken on record.

4.1. Learned counsel for the complainant has argued that the petitioner (*herein*) had given two stab wounds to the injured/FIR-complainant, on account of which he had to remain hospitalized from 25.08.2025 to 10.09.2025. Learned counsel for the complainant has further urged argued that the after-effects of the injuries have not been nullified. He has further argued that the prime prosecution witness namely PW-Gurmukh Singh @ Bittu is yet to be examined and that the petitioner may influence the said witness, in case he is released on bail. Thus, the dismissal of the petition in hand is entreated for.

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

6. It is not in dispute that the petitioner came to be arrested on 27.08.2025 whereinafter investigation was carried out and challan was

presented on 03.11.2025. Total 11 prosecution witnesses have been cited and out of which only one namely PW-Harwinder Singh (FIR-complainant/injured) has been examined till date. It is not in dispute that the prime prosecution witness namely PW-Harwinder Singh stand examined. The rival contentions, including as to who was the aggressor, 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 third attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-54889-2025 was dismissed as withdrawn on 08.10.2025 (Annexure P-17) vide the following order:

- “1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.216 dated 26.8.2025, under Sections 109, 115(2), 333, 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 (Section 238 of BNS added later on), registered at Police Station Sohana, SAS Nagar (Mohali).*
- 2. Mr. Vijay Lath, Advocate has caused appearance on behalf of the complainant and has filed his vakalatnama. The same be kept on record.*
- 3. Faced with the situation that the FIR in question is still under investigation, learned counsel appearing for the petitioner seeks to withdraw the petition in hand at this stage.*
- 4. Dismissed as withdrawn, for the nonce.”*

The second petition filed by the petitioner bearing CRM-M-64092-2025 was dismissed as withdrawn on 02.12.2025 (Annexure P-18) vide the following order:

“1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.216 dated 26.8.2025 under Sections 109, 115(2), 333, 190, 191(3) of Bharatiya Nyaya Sanhita, 2023, (Section 238 of BNS added later on), registered at Police Station Sohana, SAS Nagar (Mohali).

2. Learned State counsel has filed short reply by way of affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police, City-2, SAS Nagar (Mohali) in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

3. Faced with the situation that the main injured person namely Harwinder Singh is yet to be examined as a prosecution witness, learned counsel for the petitioner seeks to withdraw the petition in hand at this stage.

4 Ordered accordingly.

5. The trial Court is directed to make an earnest endeavour to record the testimony of the said witness at the earliest."

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 and the factum of the injured/FIR-complainant PW-Harwinder Singh having been examined; 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 today, the petitioner has suffered incarceration for a period of 10 months and 15 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/Illaq 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