

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

207

CNR No: PHHC011051512026

2026:PHHC:108215



CRM-M No.35701 of 2026 (O&M)

Date of decision : 07.08.2026

Date of uploading : 07.08.2026

Harman Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.P. Dhir, Advocate, for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

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.159 dated 8.10.2025 under Sections 336, 324(4), 3(5), 125, 249, 253, 61(2), 191(3), 190, 308 and 238 of BNS of Bharatiya Nyaya Sanhita, 2023 and Sections 25/27/54/59 of Arms Act, 1959, registered at Police Station Garhshankar, District Hoshiarpur.

For the cause of convenience, the details of the prosecution case have been drawn from the order dated 05.01.2026, wherein the bail

petition preferred by the petitioner before the Sessions Court, was rejected, which reads thus:

'Briefly stated, the present case was registered on the statement of complainant Dara Ram son of Devi Chand resident of village Bora P.S Garhshankar District Hoshiarpur, wherein he stated that he is running a Medical store at village Bora. On 8.10.2025 at about 8:30 PM, three persons came on motorcycle from the side of Shri Anandpur Sahib road. They had stopped their motorcycle in front of their shop. Then, the person, sitting on rear seat of said motorcycle, who was having muffled face, came down from the said motorcycle and fired two shots with his weapon, which hit on the front glass of the shop, due to which, the said glass was broken. Thereafter, the above said persons fled away from the spot on their motorcycle towards Garhshankar side. The applicants-accused were arrested in this case on 25.10.2025, Hence, this application for regular bail.'

2. Learned counsel for the petitioner has urged that the petitioner has not been attributed any active role qua the FIR in question. Learned counsel has further submitted that the prime prosecution witness namely PW-Dara Ram has turned hostile and thus, the trial is not likely to conclude into conviction. Learned counsel has further urged that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

3. Learned State counsel has filed short reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Garshankar, District Hoshiarpur. Raising submissions in tandem with the said short reply, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to

place on record custody certificate dated 06.08.2026 in Court, which is taken on record.

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

5. The petitioner was arrested on 29.09.2025 wherein after investigation was carried out; challan was presented on 23.12.2025 & charges were framed on 22.04.2026. Total 14 prosecution witnesses have been cited, out of which only 2 have been examined till date. It is also not in dispute that PW-Dara Ram has turned hostile. The rival contentions raised at Bar give rise to debatable issues which 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 petitioners absconding from the process of justice or interfering with the prosecution evidence.

5.1 As per the custody certificate filed by learned State counsel, the petitioner has suffered incarceration for a period of 8 months and 3 days & is stated to be involved in one more FIR/case. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High

Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

5.2 Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The first bail plea preferred by the petitioner was dismissed as withdrawn on 20.03.2026. Keeping in view the extended incarceration of the petitioner, pace of trial and the fact that the FIR-complainant/PW-Dara has turned hostile, 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.

6. 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. 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.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of

opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

07.08.2026
Naveen

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