

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

Present:

The Hon'ble Justice Dinesh Kumar Sharma

C.R.M. (M) 999 of 2025

And

C.R.M. (M) 1000 of 2025

Prabneet Singh @ Honey

vs.

The State of West Bengal & Ors.

For the petitioner:

**Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Rajdeep Mazumdar, Sr. Adv.,
Mr. M. Mukherjee, Adv.,
Ms. Sagnika Banerjee, Adv.**

For the State:

**Mr. Rana Mukherjee, Adv.,
Mr. Samarjit Balial, Adv.**

Heard on:

31.07.2025

Judgement on:

05.08.2025

DINESH KUMAR SHARMA, J.:

1. Facts in brief are that on November 2, 2025 four FIRs nos. 299, 300, 301, 302 were registered in respect of incident occurred on November 1, 2024. All the said FIRs were registered on November 2, 2024. The present bail applications pertain to FIR no. 301 and FIR No. 302. The case FIR No. 301 was registered on the statement of Sergeant Vinay Prakash Gorl Shaw of Narkeldanga Police Station wherein he alleged that

on November 1, 2024 at about 23:10 hours in front of Narkeldanga Main Road, Narkeldanga Police Station, Kolkata-700011, the accused persons, namely, Surendar Pal Singh and others in furtherance of their common intention caused grievous hurt to the complainant and deterred him from discharging his duties. Allegedly the accused persons managed to escape along with co-accused Surendar Pal Singh from the custody of the complainant. The complainant allegedly sustained severe bleeding injury on his person and he was discharged after treatment from NSRMC Hospital, Kolkata. After investigation the chargesheet has been filed.

2. The case FIR No. 302 was registered on the statement of S.I. Gourav Bhattacharya of Narkeldanga Police Station, wherein he alleged that on November 1, 2024 at about 21:15 hours and thereafter near 143 Narkeldanga main road, P.S. Narkeldanga, Kolkata-700011 the accused persons ,namely, Surendar Pal Singh @ Guggi, Manjit Kaur, Ajit Sah, Md. Sikandar, Sandip Pal Singh, Ashok Yadav, Alope Hari, Santu, Nafiz, Halua, Raju, Sahil, Md. Hossain, Md. Saifullah, Rohit and unknown 250-300 persons and members of public on Narkeldanga main road assembled in furtherance to their common intention to form unlawful assembly on Narkeldanga Main Road, Kolkata-700011 near Sasphialo crossing with deadly weapons and voluntarily caused hurt to the complainant and other police persons and also caused grievous hurt to the other police personnel and deterred them from discharging their duties. The complainant along with other police officers suffered grievous

bleeding injury on their persons. Allegedly the public property was also damaged by the accused persons by throwing bricks and other articles. After investigation the chargesheet was filed.

3. Mr. Sekhar Kumar Basu, learned senior counsel and Mr. Rajdeep Mazumdar, learned senior counsel for the petitioner submits that it is case of political rivalry as the alleged persons belong to the opposition party. It has further been submitted that the petitioner has been implicated falsely. Learned senior counsel(s) submitted that on the day of Kali Puja in 2024 two communities fought between themselves and to disburse the said two communities the local police interfered. Learned senior counsel(s) submitted that the case FIR No. 300, 301 and 302 had been registered as the self same cause of action. Learned senior counsel(s) submitted that petitioner has already been admitted to bail in case FIR No. 300 of 2024.
4. Learned senior counsel(s) further submitted that the petitioner's name does not appear in the first information report. The petitioner was arrested much after registration of FIR. Learned senior counsel(s) submitted that petitioner was admitted to bail in case FIR 300 of 2024 on January 31, 2025 by the Learned Additional Sessions Judge, Sealdah. However, the prosecution only in order to harass the petitioner has filed an application for cancellation of bail bearing CRM (DB) 865 of 2024, which is pending consideration before the Coordinate Bench of this

Court. Learned senior counsel(s) submitted that the chargesheet has already been filed. Learned counsel(s) submitted that in case FIR No. 301 of 2024 the petitioner was formally arrested on March 4, 2025 while he was in custody in case FIR No.302 of 2024. Learned senior counsel has fairly submitted that earlier bail application of the petitioner was rejected on April 29, 2025. However, subsequent, to that the chargesheet was filed and, therefore, there is a change in circumstance.

5. Learned senior counsel(s) submitted that all the three FIRs 300, 301 and 302 relate to the same incident and, therefore, prima facie it is not sustainable in the law. Learned senior counsel(s) further submitted that in case FIR No. 302 of 2024 also the petitioner was formally arrested on January 24, 2025.
6. Learned senior counsel(s) submitted that after rejection of the earlier bail applications, two chargesheets have been filed for the self same cause of action. Learned senior counsel(s) submitted that chargesheet has yet not been filed in case FIR No. 300 of 2024. Learned senior counsel(s) submitted that the trial in both the instant cases have been deferred and there is no progress. It has further been submitted that the petitioner is in custody for more than six months. Since the trial may take a long time, therefore, the petitioner may be admitted to bail.
7. Learned counsel for the State has vehemently opposed the bail application. Learned counsel submitted that the accused was involved in

the incident carrying deadly weapons and was actively involved in damaging of several vehicles. The petitioner caused allegedly damage to the public property and injury to several police personnels and others during the commission of offence. Learned Counsel for the State submitted that the co-accused Surendar Pal Singh opened two rounds of fire aiming at police on account of which Uttam Mondal, Civic Volunteer of Maniktala Police Station sustained severe injury on his left arm.

8. Learned counsel for the State invited the attention of the Court to the testimony of PW Md. Noor Abedin @ Capsule, Rajesh Shaw, Subhasish Dutta, Sanjay Mishra, Gourav Bhattacharya, Bandhu Charan Paul, and Kashinath Bandyopadyay. Learned counsel for the State has also invited the attention to the injury report of Civic Volunteer Vinay Prakash. Learned counsel also invited the attention of the Court to the photograph where the petitioner is seen carrying weapon in his hand along with co-accused persons. Learned counsel for the State has also submitted that the petitioner is also involved in three other cases.
9. Learned senior counsel(s) for the petitioner has submitted that in regard to the previous criminal cases the Apex Court in Prabhakar Tewary vs. State of Uttar Pradesh & Anr., (2020) 11 SCC 648 has, inter alia, held that pendency of several criminal cases against the accused by itself cannot be the basis for refusal of prayer for bail. Learned senior counsel(s) for the petitioners have also relied upon Manish Sisodia vs.

Directorate of Enforcement, 2024 SCC Online SC 1920, Jalaluddin Khan vs. Union of India, (2024) 10 SCC 574, State of Rajasthan, Jaipur vs. Balchand @ Baliay, (1977) 4 SCC 308 and Dataram Singh vs. State of Uttar Pradesh, (2018) 3 SCC 22.

10. There is no doubt to the settled proposition that during the course of the trial the bail is not to be withheld as a punishment. The requirement as to bail is merely to secure the attendance of the alleged persons during the course of trial. The court is also fully conscious of the golden principle that bail is a rule and refusal is an exception. If the accused is able to make out a case for grant of bail, the refusal of the same amounts to the violation of the rights guaranteed under Article 21 of the Constitution. The Court is also fully conscious of the golden words of Justice V.R. Krishna Iyer in State of Rajasthan, Jaipur vs. Balchand @ Baliay, 1977 4 SCC 308 that the basic rule is to grant bail except where there are circumstances suggestive of fleeing from justice or creating other troubles in the shape of repeating offences or intimidating witness and alike. It was further, inter alia, held that the gravity of the offence involved which is likely to induce the petitioner to avoid the course of justice as well as heinousness of the crime should also be taken into account by the Court. It is also a settled proposition.
11. Learned senior counsel for the petitioner has very fairly stated that the earlier bail application of the petitioner were rejected by the Coordinate

Bench of this Court. This Court had the advantage of looking at the order of the Coordinate Bench in CRM DB 971 of 2025 dated April 29, 2025 wherein it was, inter alia, held as under:

"I have considered the material on record. It appears that the CCTV footages of the incident have been captured and the petitioners have been identified as the principal assailants therein. There is sufficient material on record connecting the petitioners to the alleged offence. Police personnel have been assaulted and gunshot injuries attempted to be inflicted on one of them. On merits, the petitioners do not deserve a favorable order for bail at this stage.

On the issue of three separate FIRs being lodged in connection with the same incident on the same day, the said fact may be brought to the notice of the appropriate forum for necessary orders. It may be considered whether trial of three cases can be clubbed together. Such lapse on the part of the prosecution can, under no circumstances, be a ground for release of the petitioners on bail at this stage, considering the gravity of the offence and prima facie involvement of the petitioners therein

Accordingly, prayer for bail is rejected at this stage".

12. In respect of successive bail application, it is settled proposition that successive bail application should be entertained only when there are drastic change in the circumstances during the period between dismissal of earlier bail application and filing of fresh bail application. The Court should differ from the earlier opinion, when there are substantial change in circumstances. However, in the case of cosmetic changes in circumstances it does not grant the jurisdiction to vary from the earlier decision. Merely filing of the chargesheet

may not be a substantial change of circumstances in the present case which could entitle the petitioner to be admitted to bail. The earlier bail application was rejected by the Coordinate Bench of this Court vide a detailed and speaking order. This Court find itself unable to exercise the discretion of bail in view of the earlier rejection of the bail and no substantial change in circumstances. Hence the bail application is rejected at this. However, the petitioner is always be at liberty to move an application for bail, in view of the change of circumstances. However, learned Trial Court is directed to proceed with the matter expeditiously.

(Dinesh Kumar Sharma, J.)