



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

**CRM-M-12856-2025**

**Reserved on: 17<sup>th</sup> July, 2025**

**Pronounced on: 23<sup>rd</sup> July, 2025**

Chirag @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. S.S. Jattan, Advocate for the petitioner.

Mr. Deepender Singh, Additional Advocate General, Punjab.

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**MANISHA BATRA, J :-**

The instant one is the second petition for grant of regular bail filed by the petitioner in case arising out of FIR No. 89 dated 27.02.2023 registered under Sections 302, 307, 148 and 149 of IPC and Section 52 of Prisons Act (120-B, 109, 115, 323 and 324 of IPC and Section 52-F of Prisons Act, 1894 and Section 3 of Prevention of Damage of Public Property Act added later on) at Police Station Goindwal Sahib, District Tarn Taran. His previous petition CRM-M-9078-2024 was dismissed vide order dated 11.07.2024.

2. The petitioner is facing trial for commission of the aforementioned offences on the allegations that he had formed a membership of unlawful assembly with the co-accused, who were lodged in block No. 3 of the Central Jail, Tarn Taran and in prosecution of common



object of that unlawful assembly, he had caused injuries on the person of injured Keshav Kumar, and victims Mandeep Singh @ Tufan and Manmohan @ Monha who had succumbed to those injuries. The previous petition as filed by him was dismissed on the ground that no specific role might have been attributed to him, but his complicity in the subject crime by forming membership of an unlawful assembly with the aid of Section 149 of IPC could not be ruled out and further keeping in view the severity of the allegations as levelled against him.

3. It is argued by learned counsel for the petitioner that after dismissal of the previous petition of the petitioner on 11.07.2024, the trial has still not progressed, as no witness has been examined. Even charges have not been framed. It is argued that extended period of incarceration is a reasonable ground for releasing the petitioner on bail. It is therefore, urged the petition so filed by him deserves to be allowed.

4. Status report has been filed. Learned Deputy Advocate General, Haryana, has submitted that the petitioner is a habitual offender. He has committed serious offenses. No new and substantive ground has been made out for grant of bail to the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The previous petition, as filed by the petitioner, had been dismissed vide order dated 05.03.2024, after making a detailed discussion. The allegations against the petitioner are serious in nature. There does not appear to be any substantive change in the circumstances. The present



petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**23<sup>rd</sup> July, 2025**

*Parveen Sharma*

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No  
: Yes / No