

CRM-M-22376-2025 (O&M)

2025:PHHC:171248



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-22376-2025 (O&M)

Akashdeep Singh alias Gaggu

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 09, 2025

Date of Uploading: December 09, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

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.94 dated 11.05.2020, for the offence punishable under Sections 302, 459, 323, 506, 148 & 149 of the IPC, 1860, registered at Police Station City Dhuri, District Sangrur.

2. The gravamen of allegations against the petitioner is that complainant, namely, Harpreet Kaur, wife of Gurdeep Singh @ Golu (deceased), stated that her husband, namely, Gurdeep Singh was a labourer. Nikky, wife of Gurtej Singh @ Kala, resided in their neighbourhood in a rented accommodation owned by Walia Studio. Previously, Nikky had been married to one Laddy of Rampura Phool, and two children—Akashdeep @

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Gaggu (*petitioner herein*) and Jashandeep Singh—were born from that marriage. Around 4–5 months prior to the incident, a loan-related dispute arose between the complainant and Nikky along with Nikky’s sons.

On 10.05.2020 at about 9:00 PM, Nikky and her sons began quarrelling with Gurdeep Singh. The complainant brought her husband inside their house out of fear and locked the gate from inside. After some time, several persons gathered outside and began shouting, threatening them to come out, and hitting the gate with sticks, declaring that they would kill them if they did not open the gate. As the complainant’s family did not open it, Harshdeep @ Bablu and Simardeep @ Billa, sons of Manoj Kumar, scaled the gate, entered the house, and opened it from inside. Outside, Nikky and her sons—Akashdeep Singh (*petitioner herein*), Jashandeep Singh—along with Sahil Qureshi, Baljit Singh @ Kala, and Sagar were waiting with knives and batons. Harshdeep @ Bablu, along with Jashandeep and Akashdeep (*petitioner herein*), dragged Gurdeep Singh into the street. Simardeep @ Billa handed a knife to Sahil Qureshi, and Akashdeep (*petitioner herein*) exhorted the others, saying, “*What are you waiting for, kill him.*” Meanwhile, the complainant’s children came outside and witnessed the assault. Sahil Qureshi stabbed Gurdeep Singh multiple times in the abdomen, while Akashdeep (*petitioner herein*) stabbed him in the scapular region. Gurdeep cried out, “*Marta-Marta,*” and the complainant and her children raised an alarm and attempted to rescue him. Nikky tried to strangle the complainant’s daughter, while other assailants dragged and misbehaved with her. Her son, Ramandeep Singh, also sustained injuries.

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Hearing the commotion, neighbor-Ghuman Singh arrived to help but was also assaulted and injured by the attackers. During the incident, Sagar, one of the assailants, was accidentally stabbed by his own associates. Thereafter, the accused persons fled the spot with their weapons and vehicles, threatening the complainant's family with dire consequences as they escaped.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.05.2020. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, though, PW-Harpreet Kaur has identified the petitioner as one of the assailants, but said witness, at the same time, has not identified another alleged assailant, namely, Sahil Qureshi and, thus, her testimony does not inspire confidence. Learned counsel has urged that the petitioner has suffered incarceration for more than 05½ years and has clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. The State counsel seeks to place on record custody certificate dated 08.12.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 11.05.2020 whereinafter investigation was carried out and challan has been presented on 07.08.2020.

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Total 23 prosecution witnesses have been cited, out of which only 01 has been examined till date. Indubitably, conclusion of the trial will take long time.

At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers*, 2024(3) RCR (Criminal) 494, in which, it has been held as under:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention 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

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forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 08.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 05 years, 06 months and 22 days & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn on 24.05.2024. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for another more than 01½ years & pace of trial; this Court is inclined to affirmatively 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

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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.

7. 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 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/Illaqa 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

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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.

(SUMEET GOEL)
JUDGE

December 09, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No