

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:158213



214

CRM-M-21793-2025 (O&M)

Date of decision:14.11.2025

Shivam Kumar @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Davinder Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

MANISHA BATRA, J (ORAL)

The instant one is the second petition for grant of regular bail as filed by the petitioner seeking grant of regular bail in case bearing FIR No. 197, dated 08.09.2023, registered under Sections 302 and 34 IPC (offence under Section 201 IPC was added lateron), at Police Station City Rupnagar, District Rupnagar. His previous petition bearing CRM-M-29382-2024 had been dismissed by this Court vide order dated 10.12.2024.

2. The petitioner is facing trial for the commission of the aforementioned offences on the allegations that he along with co-accused had committed murder of victim Dwarka Dass @ Davinder on the night of 07.09.2023. He along with co-accused was seen following the bike of the victim on the fateful night. The previous petition as filed by him had been dismissed by making the following observations:-

“The petitioner in conspiracy with the co-accused Sunil Kumar who is none other than his own father and his cousin brother CCL “NK” is alleged to have committed the murder of the victim by inflicting several injuries to him with sharp edged weapons. The evidence collected during the course of investigation reveals that the petitioner along with the CCL “NK” had been following the bike of the victim shortly before the occurrence. The co-accused Sunil Kumar was lastly seen with the victim while riding on the same bike. The allegations against the petitioner are serious in nature. Simply because he was not named in the FIR, it cannot be presumed that he was not involved in the occurrence. The material witnesses have supported the prosecution case. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that ever since the date of dismissal of the previous petition, a period of more than 01 year has elapsed. However, there is no likelihood of the timely conclusion of the trial as several witnesses are yet to be examined. He is in custody from the last more than 02 years and 02 months. His extended incarceration would not serve any useful purpose. There is no direct eye witness to the occurrence. Each day in custody has extended a new ground for his release on bail. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner. His previous petition had been dismissed by passing a detailed order. The trial is going at a proper pace

since 14 witnesses have been examined, 05 have been given up out of 29 prosecution witnesses cited and 10 witnesses remained to be examined. Mere prolonged incarceration of the petitioner is not a ground to extend benefit of bail to him in a case like the present one which amounts to commission of heinous offence by the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at a considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have committed the murder of victim Dwarka Dass @ Davinder and had also caused injuries to him. His previous petition had been dismissed by passing a detailed order. The petitioner has now come up with the plea of prolonged incarceration after dismissal of the previous petition. A detailed order was passed while dismissing the first bail petition of the petitioner. 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

14.11.2025
harjeet

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |