

CRM-M-34605-2025

2025:PHHC:160673



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-34605-2025

Jaspreet Singh @ Jassi
.....Petitioner
Versus
State of Punjab
...Respondent

Date of decision: November 19, 2025
Date of Uploading: November 19, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Sandeep Verma, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)
CRM-43250-2025

Application herein is for permission to amend the head-note of the main petition as, inadvertently, in the place of mentioning “second petition” for regular bail in the FIR in question, it has been mentioned as “first petition”.

For the reasons stated in the application, same is allowed. Registry to do the needful.

Main case (O&M)

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 bearing FIR No.252 dated 04.09.2021, registered for the offences punishable under Sections 302, 201 & 34 of the

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Indian Penal Code, 1860 (for short 'IPC'), at Police Station Lambi, District Sri Muktsar Sahib.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Jagpal Singh, also known as Satnam Singh, stated that he works as a motorcycle mechanic. His younger brother, namely, Satpal Singh, was employed with him, and they lived together with their parents in the same house. In their street, Mohan Singh alias Mohni, son of Resham Singh, resided with his wife Parveen Kaur and their child. For the past two months, Mohan Singh's cousin, Jaspreet Singh (petitioner herein), had also been living with them. Satpal Singh was involved in a love affair with Parveen Kaur, and the two used to meet frequently. Mohan Singh and the petitioner bore resentment because of this relationship and had previously threatened to kill Satpal Singh.

On the intervening night of 2–3 September 2021, at around 12:00 AM, Mohan Singh and the petitioner knocked on the door of Jagpal Singh's house. When he opened the door, they inquired about Satpal Singh. Hearing the commotion, Satpal Singh and their father, Gora Singh, woke up. Satpal Singh left with Mohan Singh and the petitioner but did not return by morning. Jagpal Singh went to Mohan Singh's house, only to find it locked. Mohan Singh, Jaspreet Singh (petitioner herein), and Parveen Kaur were all missing. They then searched for Satpal Singh among his friends.

On 3 September 2021, at about 6:30 PM, Satpal Singh's dead body was found in a field approximately 100 yards from Mohan Singh's house. Blood was oozing from his head, and there were signs of torture around his neck. Jagpal Singh stated that Satpal Singh was murdered by Parveen Kaur, Mohan Singh, and the petitioner, acting in conspiracy with one another.

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3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.09.2021. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has submitted that the case in hand is one of last scene evidence. Learned counsel has argued that prime prosecution witnesses have been recorded. Learned counsel has urged that the petitioner is in custody for more than 04 years with the trial not seemingly concluding near future. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 18.11.2025 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 05.09.2021, whereinafter investigation was carried out and challan has been presented on 02.12.2021. Total 27 prosecution witnesses have been cited, out of which, 10 have been examined and 06 have been given up till date.

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

“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.

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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 essentially 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 18.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 years, 02 months and 10 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 preferred by the petitioner was dismissed as withdrawn on 29.01.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, in view of the factum of the petitioner having suffered extended incarceration for more than 09 months and 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

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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.

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.

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- (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/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 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 19, 2025

mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No