

2025:PHHC:023211



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

**CRM-M No.43297 of 2024
Date of Decision: 18.02.2025
Reserved on: 07.02.2025**

Sabar Ali ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail as filed by the petitioner in case arising out of FIR No.63 dated 05.04.2023 registered under Sections 376-D, 342, 328, 354, 323, 420, 406 and 120-B of IPC at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana. The previous petition bearing CRM-M No.59453 of 2023 filed by him had been dismissed by this Court vide order dated 04.04.2024.

2. The petitioner along with the co-accused is facing trial for commission of the aforementioned offences on the allegations that he along with the co-accused used to commit wrong acts with the victim "M" (name withheld) who is since dead, while confining her in a room

2025:PHHC:023211



and keeping her in a state of intoxication. The petitioner was arrested on 06.04.2023 along with the co-accused Manpreet Singh and Ramandeep Kaur. The operative part of the order dated 04.04.2024 as passed in the previous petition reads as under:-

“7. *The claim of the petitioner is that he has been falsely implicated at behest of PW-2 Renu Arora who was having enmity with him. However, despite the fact that PW-2 is shown to have admitted the factum of her having strained relations with the present petitioner, it cannot be stated that the victim had recorded statement as against the present petitioner before the police on behest of PW-2 Renu Arora. No doubt, in her statement recorded under Section 164 of Cr.P.C. (Annexure P-2), the victim had stated that the present petitioner and co-accused Manpreet Singh were sons of her uncle and accused Ramandeep Kaur was her sister-in-law; that all of them were against doing job by her and used to force her to quit the job and that the accused had not committed rape upon her, though they used to beat her when she stayed with them and that the petitioner had even cut her hair thereby making her bald. However, the circumstance that the victim was got released from the flat in which she was kept confined by the accused in a very bad condition, cannot be ignored. It is also very serious circumstance that the victim is not even traceable now and no explanation has come forward on behalf of the petitioner in this regard. The allegations against the petitioner are serious in nature as even if it is presumed that the prosecutrix had not been ravished by him, still they make out a case for showing that the victim had not only been kept confined for over a period of two and half years by him and the co-accused, but was also administered stupefying/intoxicating substances, her modesty*

2025:PHHC:023211



was being outraged and further that in connivance with the co-accused, the petitioner and co-accused Manpreet Singh were taking the salary of the victim by manipulating her presence in the record of Municipal Corporation in connivance with the other accused. In view of the discussion as made above, I am not inclined to extend benefit of bail to the petitioner. Hence, his plea for bail is rejected. The petition stands dismissed.”

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the victim was his cousin. She was having relationship with co-accused Manpreet Singh. She did not use to attend her work place and used to get her presence marked by giving money to co-accused Aman Kumar. The petitioner was objecting to her relationship with the co-accused Manpreet Singh and it was on account of that fact that he was falsely implicated in this case. He is in custody since 06.04.2023. The co-accused Aman Kumar, Deepak Kumar @ Deepak and Ramandeep Kaur have since been extended benefit of bail. His case is on parity with the case of the co-accused and as such, he is also entitled to be released on bail. In her statement recorded under Section 164 of Cr.P.C., the only allegation which had been levelled by the victim against him was that of extending beatings and not of committing any act of rape upon her. The trial is likely to take time. The victim has died and one material witness has been examined. His further detention would not serve any useful purpose. Therefore, it was urged that he deserves to be extended benefit of bail.

4. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab had argued that there are

2025:PHHC:023211



serious allegations against the petitioner. His previous petition had been dismissed by making a detailed discussion. The trial is going on at a proper pace and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. No substantive or specious change in the circumstances has been made out. Therefore, it was urged that he does not deserve to be extended benefit of bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 04.04.2024 on merits by making detailed discussion while taking into consideration all the contentions as raised. The instant one has been filed within a period of six months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu***

2025:PHHC:023211



Yadav and another (2004) 7 SCC 528, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. The petitioner along with the co-accused is alleged to have kept the victim confined and committed rape upon her. In her statement recorded under Section 164 of Cr.P.C., the victim had stated that the petitioner had not committed rape upon her but used to extend beatings to her and forced her to quit her job. The victim is stated to have died now. The case of the petitioner cannot be stated to be at parity with the case of the co-accused who have been extended benefit of bail. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, 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

2025:PHHC:023211



allowed. Hence, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No