

2025:PHHC:111354



CRM-M-43412-2025

209

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

CRM-M-43412-2025

Date of decision: August 22, 2025

Deepu Kumar @ Deepu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Damanjit Singh Sandhu, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present fourth 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.01 dated 03.01.2020, registered for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station P.A.U., District Ludhiana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"Statement of Manjit Kumar Singh s/o Dalip Kumar Singh, r/o Khidarpur, P.S. Chore Bazar, Distt. Faizabad, U.P. at present resident of Fauji Da Vehra, Mandeep Nagar, Hambran Road, Ludhiana 98153343591 aged about 30 yrs, stated that I am resident of above mentioned address and doing the work of Paint. We are four brothers and one brother namely Ranjit Kumar s/o Dalip Kumar Singh, who was resident of 19GZ, Rishi Nagar, Ludhiana who was living with his wife Ankila and their children. He was doing in hosiery Factory, which is situated at Panj Peer Road. My brother Ranjit Kumar on 02.01.2020 in the morning at 9.00 AM went on his motorcycle No. Pb10cu2181 make Honda Dreem, colour red for his work. At evening at 8.00 PM he did not returned then my sister-in-law namely Ankila wife of Ranjit Kumar make a phone call to me and informed me that Ranjit Kumar has not home. On

2025:PHHC:111354



CRM-M-43412-2025

which I and my sister-in-law/Ankila search for him but we could not find him. While searching my brother Ranjit Kumar, when I reached at village Ayali Khurd on canal bye-pass some passerby told me that some persons dead body was lying on kacha road alongwith motorcycle. Then I went on the spot and saw that on the left side there was a kacha rasta there my brother dead body was lying and near him one motorcycle No. PB10CU2181 marka Honda Dreem, colour red was also lying. On the body of Ranjit Kumar there was injuries marks on right side of his face, on cheek, on head and on body there were injuries marks with sharp edge weapon. Lot of blood was fell down and his body was beaten by dogs. My brother Ranjit Kumar one day told me that one boy of our village namely Deepu son of Panna Lal Gupta, who was resident of U.P. near our village, who was residing near the house of Ranjit Kumar. He was having illicit relation with the wife of Ranjit Kumar. Due to above said reason, my brother Ranjit. Kumar had a quarrel with him. Deepu was having grudge due to this and he was trying to revenge from my brother Ranjit Kumar. I have full faith that due to the said grudge Deepu s/o Panna Lal had committed murder of my brother. Legal action be taken. I have got recorded my statement, which is heard and correct.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 04.01.2020. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question on account of suspicion. Learned counsel has further iterated that case in hand is not of an eye witness account, but is substantially based on suspicion/ circumstantial evidence. Learned counsel has further argued that the prime private prosecution witnesses already stand examined and thus, no useful purpose would be served by keeping the petitioner in custody. Learned counsel has further argued that the petitioner is a man aged 26 years with no previous IPC FIR(s) registered against him. 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. Learned State counsel seeks to place on record the custody certificate dated 21.08.2025, in the Court today, which is taken on record.

2025:PHHC:111354



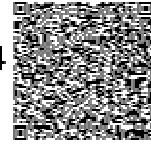
CRM-M-43412-2025

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

6. The petitioner was arrested on 04.01.2020 whereinafter investigation was carried out and challan was presented on 01.04.2020. Total 26 prosecution witnesses have been cited, out of which, 11 has been examined, 06 have given up till date and 03 are stated to have died. Nevertheless the fact remains that 05 prosecution witnesses are yet to be examined whereas the petitioner is languishing in gaol since last more than 05 years. The rival contentions 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 forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. Indubitably, the present petition is the fourth attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 20.03.2025. Before that, on 21.03.2024, an earlier plea of the petitioner for grant of regular bail was dismissed as withdrawn and the trial Court was directed to make sincere efforts for expeditious disposal of the trial at the earliest. The said order appears to have practically gone into vain. However, keeping in view further incarceration of the petitioner for a period of more than 05 months and no substantial progress in trial, and in view of the pace/ stage of the trial, this Court is inclined to favourably 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*

2025:PHHC:111354



CRM-M-43412-2025

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.”

6.2. As per custody certificate dated 21.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 05 years, 07 months and 10 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed

2025:PHHC:111354



CRM-M-43412-2025

upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

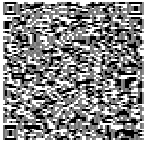
Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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 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

2025:PHHC:111354



CRM-M-43412-2025

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

August 22, 2025
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No