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2025:PHHC:159642



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Mukesh Yadav
....Petitioner
Versus
State of Punjab
...Respondent

Date of decision: November 18, 2025
Date of Uploading: November 18, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Anoop Singla, Advocate for the petitioner.
Mr. Abhiraj Singh, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short ‘Cr. P.C.’) for grant of regular bail to the petitioner in case bearing FIR No.147 dated 15.09.2022, registered for the offences punishable under Sections 302 & 34 of the Indian Penal Code, 1860 (for short ‘IPC’) (Section 201 IPC added later on), at Police Station Sadar Nakodar, District Jalandhar.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Nachhatar Singh, alleged that on 06.09.2022, at about 11:00 a.m., his son, namely, Manpreet informed his cousin on the phone that he would be coming home that day, but he did not reach home. The complainant searched for him on his own for the next three days. On 09.09.2022, he lodged a complaint regarding the missing of his son. On 15.09.2022, he received a call from the police informing him that a dead body had been found in the bushes

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near Village Kang Sahbu and that he should come to identify it. He informed his nephew, namely, Kulwinder Singh and his son-in-law-Dilbag Singh, who joined him shortly thereafter. Together they went near Village Kang Sahbu, where he identified the dead body as that of his son Manpreet Singh. The complainant further stated that while Manpreet was working at the hospital in Moga, he developed love relations with one Ramandeep Kaur, daughter of Resham Singh. However, Mukesh Yadav (petitioner herein), with whom Ramandeep Kaur earlier had relations, along with Amrik Singh (her cousin) and Ajit Singh (her paternal uncle/Phuphar), had attempted to attack Manpreet on several occasions. Due to fear, Manpreet left his job at Moga and began working at Patel Hospital, Jalandhar. About fifteen days before the incident, Manpreet informed his brother-in-law-Dilbag Singh that Ramandeep Kaur continued to talk to her previous lover Mukesh Yadav (petitioner herein) in his presence, and when he objected, she threatened that he would be killed by Mukesh Yadav (petitioner herein), her cousin Amrik Singh, and her uncle Ajit Singh. The complainant further alleged that these persons had also chased Manpreet in Jalandhar, which his son-in-law was aware of. On 05.09.2022, the said persons, along with Ramandeep Kaur, allegedly attempted to attack Manpreet again, but he managed to escape by running away. The complainant stated that he has a strong belief that Ramandeep Kaur, Mukesh Yadav (petitioner herein), Amrik Singh, and Ajit Singh have committed the murder of his son.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.09.2022. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has urged that no specific role has been attributed to the petitioner. Learned counsel has

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further urged that the petitioner was extended interim regular bail, by this Court, on 03.03.2025 and the said concession has not been misused by the petitioner, in any manner. 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 19.09.2022, whereinafter investigation was carried out and challan has been presented on 14.12.2022. Total 29 prosecution witnesses have been cited, out of which, 14 have been examined till date. It is not in dispute before this Court that all the private prosecution witnesses, except one, namely PW-Kulwinder Singh (who had only identified the dead body) have been examined. The concession of interim regular bail granted by this Court is not stated to be misused by him.

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.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right

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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 02 years, 05 months and 09 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 on 05.09.2023. 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 02 years 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 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.

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- (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 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 18, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No