

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-44144-2025

Date of decision: 11th December, 2025

Amarjit Singh @ Sunny @ Honey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Senior Advocate with
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 55 dated 25.09.2022 registered under Sections 302, 364, 342, 201 and 34 of IPC at Police Station Bhadaur, District Barnala. His previous petition bearing CRM-M-41110-2024 had been dismissed vide order dated 02.12.2024.

2. It is argued by learned counsel for the petitioner that after dismissal of the previous petition as filed by the petitioner, there has been a change in the circumstances as PW-3 Labh Singh who was a witness to the alleged suffering of extra judicial confession by the petitioner, has also been declared hostile. The petitioner is in custody for a period of over three years and two months. The witness, who had heard the alleged suffering of extra judicial confession by the petitioner and co-accused, has since been examined

and has turned hostile. He has not identified the petitioner and other co-accused and has not connected them with the murder of the victim. It is further argued that the extended period of the incarceration of the petitioner coupled with the fact that the most material witness of the prosecution has not supported the prosecution version with regard to the involvement of the petitioner, the petitioner has become entitled to be extended benefit of bail. It is also submitted that each day spent by the petitioner in custody can also be considered to be a ground for granting benefit of bail to him. Learned counsel has further submitted that only 11 out of 30 prosecution witnesses have been examined so far and trial will take considerable time to conclude. With these broad submissions, it is urged that the petition deserves to be allowed.

3. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that the previous petition as filed by the petitioner was dismissed on merits by passing a detailed order. The present petition is as such not maintainable. There is no substantive change in the circumstance. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has heard learned counsel for the parties at considerable length.

5. The previous petition filed by the petitioner had been dismissed by this Court by making following observations:-

The petitioner is alleged to have made a call on the phone of the victim on 21.09.2022 and called him on the pretext of hiring his vehicle for a passenger and then in connivance with the co-accused, is alleged to have murdered him. Certified copies of statements of complainant i.e. PW-1 Jagbir Kaur and PW-2

Nachattar Singh have been placed on record as Annexures P-4 and P-5 respectively and a perusal of the same reveals that though both the witnesses were declared hostile but they have supported the prosecution version to the effect that the victim had been called by the petitioner and co-accused on 21.09.2022, on the pretext of hiring a taxi and had been killed. PW-2 is shown to have stated that he had overheard the conversation between the petitioner and co-accused qua committing murder of the victim. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the subject offences, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

6. 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. Mere establishing some cosmetic change does not entitle an accused to seek bail. Change must be drastic during the period of two application. Reference in this regard can be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***. After hearing the contentions as raised by learned counsel for the petitioner, this Court is of the considered opinion that there is no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner. Mere prolonged period of incarceration cannot be considered to be a ground to extend such benefit. Annexure P-3 (colly.) is copy of sworn

deposition of Labh Singh who was a witness to the alleged suffering of extra judicial confession by the petitioner and the co-accused and undoubtedly, he is shown to have stated that the petitioner did not suffer any extra judicial confession before him. However, the testimony of this witness had been recorded at the time when the previous petition had been decided. Moreso, even if the same is considered to be correct, the fact that PW-1 and PW-2 have supported the prosecution version to the extent of overhearing the conversation between the petitioner and co-accused qua committing murder, cannot be ignored. Taking into consideration, the above discussed facts, this Court is of the considered opinion that the petitioner has failed to bring out on record any drastic change from the date of dismissal of the previous petition as moved by the petitioner thereby entitling him to seek concession of bail. As such, no ground for allowing the petition is made out. 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 and shall not influence the outcome of the trial.

8. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th December, 2025
Parveen Sharma

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