



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

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**CRM-M No.43390 of 2025
Date of decision : 9.12.2025
Date of uploading : 9.12.2025**

Varinder Singh @ VickyPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manik Makkar, Advocate, for the petitioner
Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present 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 FIR No.74 dated 10.4.2020 under Sections 353, 186, 188 and 382 of the IPC (Sections 379-B and 149 of IPC added later on), registered at Police Station Anaj Mandi, District Patiala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At the moment a ruqa from sub Inspector Balwinder Singh 506, P.S. Anaj Mandi Patiala for registration of case against Lakhwinder Singh, Kulwinder Singh, 2 unkwon boys and one unknown Car Driver had been received for registration of case u/s 353, 186, 188, 382 IPC through Head Constable Ramanjit Singh 942. The contents of which are following:- To



SHO Sahib P.S. Anaj Mandi, Jai Hind. Today I Sub Inspector alongwith Head Constable Ramanjit Singh 942 on private Car alongwith laptop printer were patrolling in the area of Hasanpur Village from main road through Patiala towards Nova were going. When we at about 12:45 P.M. reached near Avtar Kanda Sirhind Road Patiala then we saw a car coming from Patiala whom we signaled to stop. The car tried to turn towards Ranjit Vihar then I Sub inspector saw the car the number of which was later found PB-11-F-8032 colour White Mark Indica. We signaled it to stop with the torch but instead of stopping the car, the driver speed towards Ranjit Avenue which we followed alongwith fellow officials on our car. The car driver keep in speeding the car and in the end he turned the car in front of a house located at Ranjit Avenue. Two boys alighted from the car one with haircut and other had tied a parna over his head. Aged about 20-25 years and the driver sped away in his car. We asked the boy that why are you roaming in the curfew and instead of stopping the car you run away. We want to check the Car. Who told us that you cannot check the car. we told them we are officials of P.S. Anaj Mandi and both these boys arguing with us and shouting at very high voices and two man came out of the house whose name was later confirmed Lakhwinder Singh who had come out of jail and second was of his brother Kulwinder Singh and they also started arguing with us, Lakhwinder Singh and his brother Kulwinder Singh and the two unknown persons also got into a scuffle with me and head constable Ramanjit Singh 942. They also pushed us. First with boy with hair cut snatched the magazine of the Carbine of Head Constable Ramanjit Singh and we also raised the alarm and the Patrolling party ASI Hira Singh 2648 was called over the phone to reach the spot and all these four people threw away the magazine of Carbine and ran away from the spot. ASI Hira Singh 2648 and ASI Manjit Singh 739 reached the spot with the help of whom we tried to reach these people in the colony and we spotted the car parked in a little distance. All these four accused have broken the rule/orders of curfew imposed by District Magistrate and also stopping us for do our duty and during duty attacking us and trying and snatching the magazine of Carbine of Ramanjit Singh Head Constable 942 due to which Lakhwinder Singh, Kulwinder Singh and two other unknown persons and the unknown driver and found to be committing the crime u/s 353, 186, 188 382 IPC. Ruqa is sent to the police station to registered the case against above said accused by hand through



Head Constable Ramanijit Singh 942. Case be registered and number be given 1.0. be sent and special report be sent to Illaqa Magistrate and other Higher Officers. Incharge control room be informed through wireless. I am present at the spot alongwith fellow officials. Sd/- Balwinder Singh SI P.S. Anaj Mandi Patiala dated 10.04.2020.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.5.2025. Learned counsel has further argued that the petitioner was not aware of the FIR registered against him, hence he was declared proclaimed offender. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the prime allegation against the petitioner is of driving a car from which another person alighted and is stated to have snatched the magazine of a carbine of a police officer. Learned counsel has further submitted that the said person Lakhwinder Singh has already been granted the concession of regular bail. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 8.12.2025. in Court, 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 23.5.2025 and is in continuous custody since then. It is not in dispute that total 25 prosecution witnesses



have been cited, out of which only 3 have been examined and 2 have been given up. It is, thus, indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 27.5.2025. However, keeping in view further incarceration of the petitioner and pace 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** 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 8.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 15 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under the provisions of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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 cell-phone 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.

(SUMEET GOEL)
JUDGE

9.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No