

2025:PHHC:137803



CRM-M No.46445 of 2025

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

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**CRM-M No.46445 of 2025 (O &M)
Date of decision : 30.9.2025**

Suraj

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Rahi Mehra, Advocate, for the petitioner

Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present second 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.51 dated 6.4.2024, under Sections 392, 506, 34, 201 and 411 of the IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Division-B, District Amritsar.
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 Malik Singh son of Pyara Singh resident of Village Mira Court Airport Road Amritsar aged about 33 years mobile number 88720 88890. That I am the resident of above mentioned address and is working as a relationship manager with the ICICI Bank branch near Namdhari Kanda Tarn Taran road Amritsar. Today on 06.04.2024 as per my daily routine I was present on duty in the bank along with the other officials



who were also on their duty, our branch manager Puneet Verma was out from the branch due to some official work. At around 2:05 p.m. I stood up from my seat for having lunch and was about to open the door of the pantry area and at the same time cashier Komalpreet Kaur also stood up from her seat for the purpose of getting passing of voucher and cheques and went to the deputy manager. In the meanwhile three young boys aged about 20/22 years entered the branch one after the another and one of them was having revolver like thing in his hand who threatened us and two of the three boys_ were calling each other by names Sajjan and Surai and from the cashier seat took 12,78,122 by putting it in a plastic bag and went out from the bank on their foot and walked towards the back side of the bank. The photographs of all the three boys are recorded in the CCTV camera which is placed in the bank. Immediately thereafter regarding the incident firstly I called my branch manager and informed him and secondly called upon 112 number and you along with the police party are present in the bank. Legal action be taken against the accused the statement is recorded and is read and is found to be correct. SD/ Malik Singh attesteci Major Singh ASI police station B division Amritsar dated 06-04-24. Police proceedings today I, ASI along with ASI Amarjeet Singh 4205, HC Jagroop Singh 1014, CT Davinder Singh 1080, PC/PHG Kamaljeet Singh 8924 were present in the search of bad and anti social elements were on board a private vehicle and were present in the area of police station when, chief Munshi Lovepreet Singh police station B division informed that a dacoity has taken place in ICICI Bank Tarn Taran road Amritsar and asked us to reach on the spot and on which I, ASI along with the other officials reached the Bank branch. in the bank branch relationship manager Malik Singh son of Pyara Singh resident of the above mentioned address was present and his statement was recorded and narrated to him who on finding the statement to be correct signed under the statement in English language and which was attested by me from the statements an offence under section 392, 506, 34 IPC and 25/54/59 of A Act is made out. The original statement is being sent for the registration of FIR to the police station by hand CT Davinder Singh 1080, a case be registered and case number be informed. A special report be prepared and sent to the Area magistrate along with the senior officials and the station house officer and control room be also intimated. I ASI along with the other officials are indulged in investigation.'



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 8.4.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the requisite TIP (Test Identification Parade) was not carried out by the police. Learned counsel has further argued that the prime private prosecution witness namely, Malik Singh already stands examined and there is no material discrepancy in his testimony. Thus, regular bail is prayed for.

4. Short reply filed by the State, is taken on record. 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 29.9.2025 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 8.4.2024 wherein after investigation was carried out and challan stands presented on 7.6.2024. Total 12 prosecution witnesses have been cited, out of which only one has been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-



“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right 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 par 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 29.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 5 months and 14 days & is not shown to be involved in any other case.

6.2 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 7.4.2025 which is reproduced as under:



'Faced with the situation that the eye-witnesses are yet to be examined, learned counsel appearing for the petitioner seeks to withdraw the petition at this stage.

Dismissed as withdrawn, for the nonce.'

However, keeping in view further incarceration of the petitioner for a period of about 6 months and no substantial progress in 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."



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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits



thereof.

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. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

30.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No