

2025:PHHC:120680



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

259

**CRM-M No.48060 of 2025
Date of decision: 03.09.2025**

Harpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jasinder Singh Thind, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.159 dated 30.11.2021 registered under Sections 307 and 325 of IPC (Section 302 of IPC added later on) at Police Station Navi Baradari, District Police Commissionerate, Jalandhar. The first petition as filed by the petitioner bearing CRM-M No.39019 of 2024 had been dismissed vide order dated 28.04.2025.

2. Brief facts relevant for the purpose of disposal of this petition

2025:PHHC:120680



are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Raj Kumar on 30.11.2021 alleging that on the same day at about 12:15 PM, he was going from bus stand side to PAP chowk when he saw his son Mandeep Singh at parking gate of Khalsa college. On seeing the complainant, his son told him that he was bringing his motorcycle from the parking area and went there whereas the complainant kept standing there. He saw Rajan and Gurpreet Singh standing there. Within his sight, one youth started a scuffle with his son Mandeep Singh and took a wooden log lying nearby and hit the same on the head of his son with an intention to kill him. His son had fallen down unconscious. The assailant had immediately fled away. The complainant took his son to hospital and prayed for taking action in the matter while disclosing that he had come to know that the petitioner was the person who had assaulted his son. Initially, a case under Section 307 of IPC was registered. Investigation proceedings were initiated. During investigation, the victim succumbed to the injuries and died. Offence under Section 302 of IPC was added.

3. As per the further allegations, postmortem examination of the dead body and inquest proceedings were conducted. The petitioner was arrested on 06.12.2021. Investigation now stands concluded and the petitioner is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that now one

2025:PHHC:120680



more witness namely Sajan has also been examined before the trial Court and he too has not supported the prosecution version. Even the complainant in his cross-examination has stated that the assailant was having short hair. Since the petitioner is Sikh by religion and always wears turban and maintains beard, obviously he could not be the same person as mentioned by the complainant. The extended period of his incarceration is also ground for grant of bail to him. The trial is not going to conclude in near future and as such, his further incarceration would not serve any purpose. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Notice of motion.

6. Ms. Sakshi Bakshi, AAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that the previous petition as filed by the petitioner had been dismissed by making a detailed discussion including the contentions as raised now. The present petition has been filed within a gap of four months from the dismissal of the previous petition. There is no new or substantive change in the circumstances. The petition has been filed to abuse the process of law. It is, therefore, urged that the same does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. At the outset, it will be relevant to mention that the previous petition of the petitioner was dismissed by making the following

2025:PHHC:120680



observations:-

“6. The petitioner is alleged to have assaulted the son of the victim on 30.11.2021. He had sustained serious injuries and succumbed to the same on 02.03.2022. He remained unfit to record his statements during the intervening period. The petitioner has placed on record copy of statement of PW-3 Gurpreet Singh as recorded before the learned trial Court, which shows that he did not support the prosecution version and did not implicate the petitioner in the commission of subject offence. However, the complainant has been examined before the learned trial Court as PW-2 and he is shown to have duly identified the present petitioner as the assailant of his son and is also shown to have deposed that he had identified him at the police station. The allegations against the petitioner are serious in nature. The complicity or otherwise of the petitioner is to be established on the basis of thorough assessment of the evidence to be produced during the trial and not at this stage. Gravity of the allegations is one of the major grounds for declining the prayer of an accused for grant of bail. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

9. In this petition, the main ground taken by the petitioner is that eye-witness Sajan has also been examined now and he too has turned hostile. It is also submitted that a period of more than four months has expired from the date of dismissal of the present petition and extended period of incarceration serves as a new ground. PW-Sajan might not have

2025:PHHC:120680



supported the prosecution version. However, the complainant who is an eye-witness to the occurrence has been examined before the learned trial Court as PW-2 and has duly supported the prosecution version besides identifying the petitioner as assailant of his son. As such, the fact that one witness i.e. Sajan has resiled from the prosecution version cannot be stated to be a change in the circumstances.

10. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***.

11. More so, this petition has been filed within four months from the date of dismissal of the previous petition by this Court. The 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. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989***

2025:PHHC:120680



Supreme Court, 2292, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another, (2004) 7 SCC 528*, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration. Keeping in view the above discussed facts, this Court is of the considered opinion that there is no drastic or material change in the circumstances since the date of the dismissal of the previous petition and no ground is made out for allowing the petition. Accordingly, the same is dismissed.

12. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

03.09.2025
manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No