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2025:PHHC:123842



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

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Date of decision: September 10, 2025

Manpreet Singh @ Golu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Vishal Thakur, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

***********SUMEET GOEL, J. (ORAL)**

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.70 dated 28.04.2023, for the offence punishable under Section 307 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division No.6, Ludhiana, District Ludhiana.

2. The gravamen of allegations against the petitioner is that on 18.04.2023 at about 2:00 PM, husband (Satpal Singh) of the complainant, namely, Neha went to the market in connection with some personal work but did not return home for a long time. At about 7:00 PM, when she called on the mobile number of her husband, it was attended by some unknown person, who informed her that her husband had sustained multiple injuries

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on his head and face and had been admitted to Civil Hospital, Ludhiana. Thereafter, the complainant, along with her father and brother, immediately reached Civil Hospital, Ludhiana, where the doctors referred her husband to PGI Hospital, Chandigarh due to the seriousness of the injuries. At PGI Chandigarh, the doctors conducted surgery, and since then, her husband is unconscious and is still under treatment. The complainant further alleged that during self inquiry, and upon checking the CCTV footage installed at an *Ahata*, it came to light that her husband had gone there, where an argument took place between him and Manpreet Singh @ Golu (petitioner herein), over a petty issue. In the course of this quarrel, the petitioner attacked husband of the complainant with an intention to kill him. The petitioner struck head of her husband with a chair lying in the *Ahata*, causing grievous injuries, and thereafter dragged him outside and threw him in an unconscious condition. As a result, husband of the complainant sustained severe injuries and is still unconscious, undergoing treatment at PGI Hospital, Chandigarh.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.04.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there is an inordinate delay of 10 days in registration of FIR in question. Learned counsel has further iterated that offence under Section 307 of IPC is not made out from the factual milieu of the case in hand. Learned counsel has also iterated that the petitioner is a man aged 31 years with clean antecedents. Learned counsel has argued that

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the petitioner is in custody for more than 02 years. Thus, regular bail is prayed for.

4. The State counsel seeks to place on record custody certificate dated 09.09.2025 and reply by way of an affidavit dated 09.09.2025 of Satwinder Singh Virk, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, in the Court today, which are taken on record. A copy thereof has been furnished to the counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed grant of regular bail to the petitioner by arguing that there are serious and direct allegations against the petitioner and, thus, he does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 28.04.2023 whereinafter investigation was carried out and challan was presented on 17.07.2023. Total 14 prosecution witnesses have been cited, and it is not in dispute that only 01 has been examined till date. It is, thus, indubitable that conclusion of the trial will take long time. The rival contention raised at Bar 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.

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6.1. 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 as withdrawn on 05.03.2025. However, keeping in view the factual milieu of the case in hand; especially, extended custody of the petitioner for more than 06 months and the slow 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.”

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6.2. As per custody certificate dated 09.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 04 months and 09 days, & is not shown to be involved in any other FIR(s).

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.

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9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

September 10, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No