



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-49118-2025

Date of decision: 21st November, 2025

Pankaj Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kanish Jindal, Advocate,
Ms. Vasudha, Advocate and
Mr. Shivaly Singla, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

By filing this second petition, the petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No. 32 dated 13.02.2021 registered under Sections 302 read with Section 34 of IPC (Sections 364, 201 and 120-B of IPC added later on and Section 34 of IPC was deleted later on) at Police Station Mataur, District SAS Nagar, Mohali.

2. Sunil Kumar, brother of the complainant Parveen Kumar had gone missing on 10.02.2021, a missing report was lodged on 12.02.2021. His car was found lying parked at Khajoli Bridge, Ropar. His dead body was found floating on shores of Bhakra Canal on 13.02.2021. The limbs of the dead body had been tied with a plastic rope and its neck was tied with a



handkerchief. The complainant recorded a supplementary statement on 24.02.2021, raising suspicion that the petitioner in connivance with Daljit Kaur had committed murder of the victim. Both of them were arrested on 25.02.2021. They were interrogated and suffered disclosure statements to the effect that by hatching a conspiracy, they had called the victim in the house of Daljeet Kaur on 09.02.2021, made him consume liquor and then killed him.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye-witness to the murder of the victim. He is in custody for a period of more than four years and eight months. The trial has not concluded so far despite the fact that in the case of co-accused specific directions were given by this Court to expedite the trial of the case. The extended/prolonged period of his incarceration is a substantive and new change in the circumstances which has entitled him to seek concession of bail. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that the previous petition as filed by the petitioner was dismissed by passing a detailed order. There is no new and substantive change in the circumstances entitling the petitioner to seek concession of bail. Only 04 witnesses remained to be examined. The trial is going on at a proper pace and there is nothing on record to show that there would be any further delay in conclusion of the same. It is, accordingly, urged that the petition does not deserve to be allowed.



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

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened.

7. In the instant case, the previous petition as filed by the petitioner is dismissed keeping in view the gravity of the allegations as levelled against him. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds 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)***.

8. As such, this Court is of the considered opinion that only on account of prolonged incarceration, no fresh ground is made out in favour of



the petitioner to make him entitled for extending benefit of bail. Accordingly, the petition is dismissed.

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

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st November, 2025
Parveen Sharma

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