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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49710 of 2025

Peter @ Nindu... Petitioner

Versus

State of Punjab... Respondent

1.	The date when the judgment is reserved	08.12.2025
2.	The date when the judgment is pronounced	18.12.2025
3.	The date when the judgment is uploaded on the website	18.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurav Rao, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail as filed by the

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petitioner in case arising out of FIR No.1 dated 03.01.2022 registered under Sections 302, 307, 379-B, 201, 120-B, 34 and 473 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur. His previous petition bearing CRM-M-9262-2024 had been dismissed on 18.07.2024 by this Court.

2. The petitioner along with the co-accused Lovepreet Singh is alleged to have fired shots with pistols upon the victim Dilpreet Singh on 03.01.2022 resulting into his homicidal death. He is also alleged to have made an attempt to kill the complainant by firing shot thereby causing injury on his right thigh on the same day. He was arrested on 10.11.2022. His previous petition had been dismissed by making the following observations:-

“8. The petitioner by hatching a conspiracy and in furtherance of his common intention with the co-accused, is alleged to have opened an assault upon victim Dilpreet Singh, complainant and PW-Saurav on the fateful day and is further alleged to have committed murder of the victim and made attempt to kill the complainant as well as Saurav. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The allegations against the petitioner are quite grave in nature as he alongwith the co-accused had killed the victim- Dilpreet Singh and made attempt to kill the complainant and Saurav in day light without having any fear. Keeping in view the nature of the allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.”

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3. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, the trial has not progressed any further since out of 42 prosecution witnesses only 06 witnesses have been examined so far. On account of his prolonged incarceration, he has become entitled to be extended benefit of bail especially keeping in view the fact that there are no chances of conclusion of the trial in near future. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in six other cases. He was even declared a proclaimed offender in this case and was arrested on 10.11.2022. The trial may be expedited further. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. It is, thus, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner by hatching a conspiracy with the co-accused, is alleged to have committed murder of the victim Dilpreet Singh and is also alleged to have made an attempt to kill the complainant Harminder Singh by firing shots upon him. He has criminal antecedents. His previous petition had been dismissed keeping in view the nature of the allegations as levelled against him. The petitioner is seeking his release on bail on the ground of prolonged incarceration. No doubt, several prosecution witnesses remain to be examined. However, material witnesses PW-1 Harminder Singh and PW-

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may be expedited further. It is well settled proposition of law that merely on the basis of prolonged incarceration, an accused cannot be held entitled to bail in cases of serious offences like the present one. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. This is a successive bail application. The well settled proposition of law is that for the successive bail petition to succeed, the petitioner must show some substantial change in circumstances. Showing of a superficial change would not suffice. Cogent and lucid reasons are required to be given and recorded for granting such plea. However, no such substantial change in circumstances has been pointed out by the petitioner’s counsel nor made out from the record. As such, this Court is of the considered opinion that no ground for allowing the petition is made out. Accordingly, the same is dismissed.

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

18.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No