



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

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**CRM-M No.53031 of 2025
Date of decision : 24.9.2025**

Deepak**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. J.S. Johal, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present fourth 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.176 dated 31.7.2024, under Sections 109(1), 118(1), 115(2), 126(1), 324(1), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (Sections 118(2), 238 of BNS added later on), registered at Police Station Model Town, District Hoshiarpur.
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 Manjot Singh son of Manjit Singh resident of Piplanwala Police Station Model Town District Hoshiarpur aged 26 years 78888-89035. Stated that I am a resident of the above said address and am working as a salesman at Chola Mandalam Finance Hoshiarpur. On 30-7-2024 at around 08:15 PM I by riding on my Activa no. PB07-BK-7577 was going to my house through bus stand Hoshiarpur. When I turned



towards Mohalla Basambar Nagar street a little ahead of the roadways workshop, then in the meanwhile I was surrounded by 06 youths on 02 motorcycles. Among them, Deepak son of Keval Kishan resident of Piplnawala armed with iron sword (datar) got off the motorcycle and gave a blow with the datar in his hand on my head, I put my left arm forward to protect myself, which hit my left wrist. Then I fell down from the Aactiva. While I was lying down, Deepak gave a second blow of the datar which hit my left leg directly below the knee. Two unknown persons attacked me many times with the sharp edged weapons in their hands, I put my arms forward to save myself. I have suffered injuries on my arms, left leg and right leg were injured. Deepak raised lalkara and said that don't let him go dry today, kill him. One of whom had covered his mouth with a handkerchief, I can recognize the others when they are come present in front of me. I raised cries of save me save me, then people gathered. All the attackers along with their weapons fled from the spot on their motorcycles. My phone, wallet and silver chain fell on the spot. These people without any reason have given me injuries with sharp weapons with the intention of killing me. Legal action should be taken against them. My friend Surjit Singh son of Amrik Singh resident of Dashmesh Nagar, Hoshiarpur, arranged a ride for me and got me admitted in Civil Hospital, Hoshi., where I am under treatment. I have got recorded my statement in the presence of my father Manjit Singh, which I have heard and is correct. My above Aactiva has also been damaged a lot. SD/- Manjit Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 6.9.2024. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is stated to have given injury on the hand and leg of the injured and in the factual *milieu* of the case, offence under Section 109 of BNS is not made out against the petitioner. Learned counsel has further argued that there is no tangible material for making out a case under Section 109 of BNS. Learned counsel has further submitted that the petitioner is a young man aged 19 years with no criminal antecedents. Learned counsel



has further urged that the petitioner is in custody for about more than one year. Thus, regular bail is prayed for.

4. 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 23.9.2025 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 6.9.2024 wherein after investigation was carried out and challan stands presented on 4.12.2024. Total 14 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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.

6.1 As per custody certificate dated 23.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year and 14 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is fourth attempt to secure



regular bail to the petitioner. In the last petition for bail, the following order was passed on 11.3.2025:

'This petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in Case FIR No. 176 Dated 31.7.2024 registered under Sections 109(1), 118(1), 115(2), 126(1), 324(1), 191(3), 190 of the BNSS at Police Station Model Town, District Hoshiarpur.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition.

Prayer is accepted.

Dismissed as withdrawn.'

6.3 Keeping in view the entire factual *milieu* of the case, especially the factum of the petitioner having suffered incarceration for a further period of more than 6 months and the slow pace of the trial, this Court is inclined to favourably consider the instant petition. A profitable reference in this regard is being made to a judgment passed by this Court in ***Rafiq Khan versus State of Haryana and another: 2024(2) Law Hereld 1140;*** relevant whereof reads thus:

"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.

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.

(SUMEET GOEL)
JUDGE

24.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No