

CRM-M-58918-2025

2025:PHHC:167148



221

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58918-2025

Deepak Kumar @ Deepu

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 02, 2025

Date of Uploading: December 02, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mohd. Yousaf, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.125 dated 29.04.2024, registered for offences punishable under Sections 323, 341, 148 & 149 of the Indian Penal Code, 1860 (for short ‘IPC’) (Section 308 of IPC deleted and Section 307 of IPC added later on), at Police Station Phillaur, District Jalandhar.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Sahil, son of Vijay Kumar, reported that on 29.04.2024, at approximately 12:30 PM, he was standing outside National

CRM-M-58918-2025

Laboratory, Apra. At that time, six young men riding on three motorcycles approached from the direction of Punjab National Bank. Among them, the complainant recognized Deepak Kumar alias Deepu (petitioner herein). The motorcycles turned near Kamal Medical Store and headed towards the complainant. The assailants exhorted each other to catch him, causing the complainant to run. The petitioner raised a *lalkara*, and the group chased and intercepted him. The petitioner struck the complainant on the head with a *khanda*, causing him to fall. He then delivered additional *khanda* blows—using the reverse side—on the complainant's right arm. The other unidentified assailants, armed with *khandas* and swords, also inflicted injuries upon him. As a result, the complainant lost consciousness. According to the complainant, the accused attacked him with the intention to kill. When nearby people raised an alarm, all the assailants fled the scene with their respective weapons. The motive behind the incident, as stated by the complainant, was an event from 28.04.2024, when a bus from his maternal village traveled to Mata Chintpurni. During this trip, the petitioner was recording videos of girls, and the complainant had objected to his behavior.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 30.04.2024. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that, from the factual *milieu* of the case in hand, the offence under Section 307 of the IPC is not made out against the petitioner. Learned counsel has further argued that the prime prosecution witness, namely, Vinod Kumar (father of the injured-Sahil), when examined as

CRM-M-58918-2025

Prosecution Witness No.1, has not supported the case of the prosecution and has turned hostile; the said witness has even submitted before the concerned Court on 03.10.2025 that injured-Sahil has already gone abroad. Learned counsel has further submitted that the trial is procrastinating and folly thereof is not attributable to the petitioner. Learned counsel has urged that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record the custody certificate dated 01.12.2025 and status report by way of an affidavit dated 27.11.2025 of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar (Rural), in the Court today, which are taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail.

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

6. The petitioner was arrested on 30.04.2024, whereinafter, the investigation was carried out and challan has been presented on 28.06.2024. Total 18 prosecution witnesses have been cited, but only 01 has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar; including weightage required to be attached to the testimony of hostile witness, namely, Vijay Kumar (father of the injured-Sahil); shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival

CRM-M-58918-2025

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 01.12.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months & 28 days & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The earlier two attempts did not meet with success and the petitions were withdrawn on 21.08.2024 & 07.01.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, the factum of the petitioner having suffered extended incarceration, the prime prosecution witness, namely, Vijay Kumar (father of the injured-Sahil) having turned hostile and pace of trial; this Court is inclined to affirmatively 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)

CRM-M-58918-2025

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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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

CRM-M-58918-2025

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.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

December 02, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No