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

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Charanjeet Singh Alias Charanjit Singh Alias Channi

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 04.12.2025**Date of uploading:04.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Ms. Renu Arora, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition is the second petition which has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.52 dated 24.07.2020, registered for the offences punishable under Sections 364/302/201/120-B of IPC, at Police Station Dhilwan, District Kapurthala.

2. The case set up in the FIR in question is as follows:-

“ Statement of Sarwan Singh S/o Randhir Singh R/o Patti Ramu Ki, Dhilwan, Police Station Dhilwan District Kapurthala aged about 28 years, Mob 9501329032, stated that I am the resident of above said address, and used to do the agriculture work, today dated 24.07.2020 I have gone to Mand River, Beas Dhilwan for grazing the cattle, when I reached near the bank of Mand Dhilwan River Beas, I noticed that the river one dead body of male person was floating in naked position, and regarding this I made a telephonic call to the circle president Harnek Singh owner of Aatta Chakki of my Mohalla, who came there along with police party and reached at river Beas Mand Dhilwan about 3.40 PM, and with the help of us the dead body was taken out from the river, and checked the right arm the name was found engraved as Samit of the dead body, and his feet tied with the Parna (piece of cloth), and the other part of the Parna was tied with neck and both the hands were also tied, and his mouth and hairs of head were found burnt, and both hands were also burned, and the upper part of the body was also found burnt, and the

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tongue was found between the teeth, and the injuries were visible on the body and back side, and his t-shirt was found around his neck in the burnt condition, and his age seems to be 30-32 years old. and the height is about 5feet 6 inch, and after seeing the abovesaid dead person was set on fire to hide his identity, and after tying the hands and feet the attempt has been made to dislocate the dead body by throwing the same in Beas River, and the appropriate legal action be taken against the accused persons, the statement has been recorded, and same has been heard, which is correct Sd/- Sarwan Singh Sd/-Harnek Singh S/o Jagir Singh R/o Dhilwan Mobile No. 84378-01313, attested by Harjinder Singh SI Police Station Dhilwan, dated 24.07.2020.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 04.09.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution evidence available against the petitioner is in the shape of a disclosure statement of co-accused, namely, Gurdeep Singh (who had been extended concession of regular bail by this Court vide order dated 18.08.2025 passed in CRM-M-62201-2022). Learned counsel has further iterated that the petitioner has suffered incarceration for more than 02 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has submitted that earlier the petitioner was declared a proclaimed offender and, thus, there is all the likelihood that he may flee from the process of justice. Learned State counsel seeks to place on record custody certificate dated 03.12.2025, in the Court today, which is taken on record.

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 04.09.2023, whereinafter, investigation was carried out and the challan was presented on 04.11.2023.



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Total 43 prosecution witnesses have been cited, and out of which one has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the dicta passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions raised at Bar give rise to debatable issues 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.

As per the custody certificate dated 03.12.2025 filed by the learned State counsel, petitioner has suffered incarceration for about 2 years 2



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months and 26 days & is shown to be involved in two more FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in CRM-M No.38822-2022 titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-46724-2024 was dismissed on 20.11.2024. However, keeping in view the entirety of facts and circumstance of the case in hand, especially keeping in view the extended custody and pace of 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.



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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 present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.



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- (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 trial Court/Illaq 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.

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

(SUMEET GOEL)
JUDGE

04.12.2025

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