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2025:PHHC:162878



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Manbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of decision: November 21, 2025

Date of Uploading: November 21, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Jasneet Mehra, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second 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 bearing FIR No.185 dated 20.07.2018, registered for the offences punishable under Sections 323, 324, 341 & 34 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 307 & 326 of IPC added later on), at Police Station Gate Hakima, District Amritsar.

2. The gravamen of the FIR in question is that on 20.07.2018, at about 6:00 p.m., Ranbir Singh was diverting water from the government water channel near his house. Rajveer Singh, son of the complainant, stopped him from doing so, upon which Ranbir Singh assaulted him. In the meantime, Ravinder Kaur, wife of Ranbir Singh, arrived at the spot and

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instigated Ranbir Singh to “teach them a lesson.” Acting on this, Ranbir Singh struck Rajveer Singh on the head with the hilt of a *kahi*, causing him to fall to the ground. While Rajveer Singh was lying on the ground, Manbir Singh (petitioner herein) delivered a *kahi* blow to the right side of his forehead, impacting his forehead and eye. Upon witnessing this, Sandeep Singh, another son of the complainant, moved forward to rescue his brother. Manbir Singh then struck Sandeep Singh on the head with a *kahi* with the intention to kill him, causing him to fall down. Thereafter, Ranbir Singh, Manbir Singh, and Ravinder Kaur collectively delivered kick blows to Sandeep Singh while he lay on the ground. On hearing the complainant's cries, all the accused fled the scene carrying their respective weapons.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 24.04.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner was earlier extended the concession of anticipatory bail, but the petitioner could not appear before the concerned Court in time since he had to go to Malaysia for his employment purposes. Learned counsel has urged that from the factual *milieu* of the case in hand, no offence under Section 326 of IPC is made out. Learned counsel has further iterated that the petitioner is a man with clean antecedents. 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, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 20.11.2025, in the Court today, which is taken on record.

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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 24.04.2025. It is not in dispute before this Court that the investigation, even *qua* the petitioner, is complete and the trial is underway. It is further not in dispute that earlier the petitioner was extended the concession of anticipatory bail. The rival contentions raised at Bar given 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 20.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months & 26 days, & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last plea of the petitioner was dismissed as withdraw on 09.10.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, the petitioner having suffered extended incarceration 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) 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 undertrial is not warranted in the factual milieu 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(s), if any, with the trial Court.

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- (vi) The petitioner shall give his cellphone number(s) to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number(s) 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.

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

(SUMEET GOEL)
JUDGE

November 21, 2025
mahavir

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