

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:073734



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CRM-M-5466-2026 (O&M)

Date of decision:11.05.2026

Jaswant Singh @ Jassa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ankur Jain, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.115, dated 05.09.2024, registered under Sections 103(1), 190, 191 (3) of the BNS and Sections 25/27 of the Arms Act, at Police Station Khalra, District Tarn Taran. His previous petition bearing No.CRM-M-7073-2025 had been dismissed by this Court vide order dated 14.05.2025 by making the following observations:

“The petitioner alongwith the co-accused is alleged to have committed the murder of the victim. The material witnesses included eye-witnesses are yet to be examined. Specific acts have been attributed to him and he is alleged to

be master mind of the crime. Keeping in view the gravity of the allegations as levelled against the petitioner, 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. Accordingly, the same is dismissed.”

2. It is argued by learned counsel for the petitioner that ever since the dismissal of his previous petition, a period of 01 year has passed. However, there is no progress in the trial at all as only 01 out of 23 prosecution witnesses has been examined so far. The alleged eye witness has not been intentionally coming forward to record his statement. The petitioner was not named in the FIR and was named by the complainant in his supplementary statement recorded 21 days after the incident. The firearm injury which was allegedly sustained by the victim, resulting into his homicidal death had been attributed to co-accused Rajan Sharma. No specific act has been attributed to the petitioner except that he had made an exhortation. Each day spent by him in custody furnishes a new ground for seeking concession of bail afresh. He had no motive to kill the victim. It is, thus, argued that he deserves to be extended the benefit of bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the present one being the second/successive petition is not maintainable. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. The petitioner was the precipitator of the crime as it was on the exhortation made by him that the co-accused had used firearm, thereby causing

homicidal death of the victim. Infact, it was he, who had asked the co-accused to invite the victim in a party at the house of Gurlal Singh. The active complicity of the petitioner in commission of subject offence stands established. It is, therefore, stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for the parties.

5. The petitioner is alleged to have actively participated in the occurrence by not only remaining present along with the co-accused at that time but also by making an exhortation, thereby instigating the co-accused to use firearm to kill the victim. As per the allegations, it was he, who had asked the co-accused to call the victim at the house of Gurlal Singh. The allegations are quite grave in nature. Undoubtedly, the petitioner is in prolonged custody, however, in heinous crimes like the present one, an accused cannot be held entitled to seek concession of bail as a matter of right only on account of his prolonged incarceration. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. It is also well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of

prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not a sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in **Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC).**

6. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

7. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

11.05.2026

harjeet

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No

**(MANISHA BATRA)
JUDGE**