

CRM-M-6367-2024

2026:PHHC:027941



102 (1st case)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6367-2024

Gurdeep Singh @ Nikku
.....Petitioner

Versus

State of Punjab
...Respondent

Date of Decision: February 23, 2026
Date of Uploading: February 24, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amandeep Singh Rai, Advocate and
Ms. Sunaina Rani, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Pushpinder Kaushal, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 439 of the Cr. P.C., 1973 seeking grant of regular bail to the petitioner, in case bearing FIR No.69 dated 25.03.2019, registered for the offences punishable under Sections 302, 323, 148, 149, 120-B of the IPC, 1860, at Police Station Samrala, District Ludhiana.

2. The gravamen of the FIR in question is that the complainant, namely, Ravinder Singh alias Sonu, stated that on 24.03.2019, when Ravinder Singh @ Sonu and his brother Gurpreet Singh @ Gura were returning from their fields and reached near the shop of Gurjit Singh, they found Jashanpreet Singh @ Jashan Singh (son of Harwinder Singh @ Gola), Harwinder Singh @

CRM-M-6367-2024

Gola, Niku (*petitioner herein*), Amna, Binder, Babu Panch, Gurmit Singh, Vicky, Jagdeep Singh @ Duchi, Pitti, Gurpreet Singh @ Gola, Harjinder Singh, and Simru present there. The accused persons were allegedly armed with sharp-edged weapons. It is alleged that the accused attacked Gurpreet Singh @ Gura with their respective weapons. Harwinder Singh @ Gola, Simru, and Niku (*petitioner herein*) inflicted head injuries on Gurpreet Singh @ Gura with sharp-edged weapons. In the meantime, the complainant's mother – Ranjit Kaur, arrived at the scene and raised an alarm, upon which the accused fled from the spot in cars and on motorcycles. Gurpreet Singh @ Gura was immediately taken to the hospital for treatment; however, he succumbed to his injuries.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.03.2019. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner has suffered incarceration for more than 04 years. Learned counsel has further argued that vide order dated 14.02.2024, the petitioner was extended concession of interim bail, but the petitioner has not misused the same till date. The said order reads thus:

“Contends that petitioner is in custody since 26.03.2019 and in view of the order dated 16.01.2023 (P3), passed by Coordinate Bench in CRR-38-2023, trial has already been stayed. Also contends that co-accused- Harwinder Singh @ Gola with similar allegation has already been granted interim bail by this Court on 26.07.2023.

Learned State counsel seeks time to verify the above factual position.

Posted for 13.03.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard along with CRM-M-8160-2023.”

Thus, regular bail is prayed for.

CRM-M-6367-2024

4. Learned State counsel has opposed the present petition by arguing that 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 22.02.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are serious allegations against the petitioner. Learned counsel has argued that the petitioner and his co-accused had given head injuries, with sharp-edged weapons, to the brother of the complainant, but, later, succumbed to his injuries. Learned counsel has argued that, in case, the petitioner is released on bail, there is all the likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

6. The petitioner was arrested on 26.03.2019 and remained in custody till 14.02.2024, i.e., the date when he was afforded concession of interim bail by this Court. Upon culmination of investigation, challan stands presented on 15.06.2019. It is not in dispute before this Court that total 24 prosecution witnesses have been cited, and out of which, 02 have been partly examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

CRM-M-6367-2024

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issues, which shall essentially 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 22.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 years, 10 months and 17 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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.

CRM-M-6367-2024

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*.

6.3. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn on 17.11.2023. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration & 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

CRM-M-6367-2024

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, if not required in any other case, 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 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.

CRM-M-6367-2024

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

February 23, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No