

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

221

CRM-M-9849-2026

Date of decision : 20.04.2026

Date of uploading : 20.04.2026

Nanak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

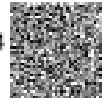
Present: Ms. Jasmine Garg, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 4th petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0009 dated 13.01.2019 under Sections 302 and 34 of IPC, registered at Police Station Bhindi Saidan, District Amritsar Rural.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

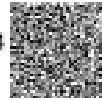
“Swaran Kaur W/o Dharam Singh @ Dhamma caste Rai SIKH resident of Saidpur Kalan aged about 35 years Police Station Bhindi Saidan, Mobile No. 98149-35926 states that I am a resident of the above mentioned address and do household work my husband are five brothers out of which the eldest is Nanank Singh younger to him is Nimma Singh younger to him is Sucha Singh, younger to him is my husband Dharam Singh @ Dhamma and the youngest is Jarnail Singh and that all the brothers live side by side in there houses in the farms and each brother gets around 5-5 Kanal land in their share and we do farming alongwith labour work and the many members of our family are gone to different different village of City Amritsar since passed one morth to do labour work and yesterday on date 12.01.2019 for celebrating the Lodhi have returned back to their respective homes and with my eldest brother-in-law Nanank Singh we had dispute about 4 Marlas land (Share of Brothers) and we tried to resolve it amongst our family members and compromise was done and 1.5 Marla land from Nanank Singh share came to us and in that land and on that



land we have placed the stubble. And my husband told him that on this 1.5 Marla land after cutting wheat we will empty this place and in return we will give you wheat worth this land but Nanak Singh said that he will get the place emptied from us today itself on date 13.01.2019 at around 4.30 in the evening I and my husband Dharam Singh and brother-in-law (Devar) Jarnail Singh were sitting at our brother-in-law (Jeth) Sucha Singh house and were talking to each other in the meantime my brother-in-law Nanak Singh having Kirch (Small knife) in his hand, alongwith Bittu Singh, Bagha Singh S/o Nanak Singh, Guro wife of Nanak Singh empty handed caste Rai SIKH resident of Saidpur Kalan shouting loudly came to the house of my brother-in-law (Jeth) Such Singh house we does not have four walls and there my sister-in-law (Jathani) Guro started shouting and saying that catch hold of them and they should be punished for not picking up stubble from our place and during that time Bittu Singh held my husband's right arm and Bagha Singh was held my husband left arm and then Nanak Singh used his kirch (Small knife) and gave two blows to my husband Dharam Singh out of which the first one hit on the left side on on the heart and the second blow hit on the upper side of stomach like abrasion and my husband covered in blood fell on the ground and when I and my brother-in-law (Devar) Jarnail Singh and brother-in-law Sucha Singh started shouting (Marr Ditta Maar Ditta) people started gathering and on seeing them the accused ran away from the spot with their weapons and the entire incident has been seen by me and my brother-in-law (Devar) Jarnail Singh and brother-in-law (Jeth) Sucha Singh thereupon we arranged a vehicle and took my husband to Amritsar and when we reached outside the Aroa Hospital and my husband died due to the injuries and from there only we came back to our village Saidpur alongwith the dead body of my husband. Due to grudge of the 1.5 Marla land that came in our share from Nanank Singh share we had kept our stubble and we told him that after we cut the wheat we will empty this place but he wanted us to empty that place then and there only and due to this grudge my brother-in-law (Jeth) Nanank Singh and his family members have murdered my husband and I left the dead body of my husband with my brother-in-law (Jeth) Sucha Singh and alongwith my brother-in-law (Devar) Jarnail Singh came to inform you about the incident and to take strict legal actions against the above mentioned accused. That justice should be given to me."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.01.2019. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, in any case, the prime prosecution witness has already been examined. Learned counsel has further submitted that the petitioner is a man aged about 57 years and has suffered incarceration for more than 7 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit

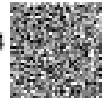


of 06.04.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.04.2026 in Court, which is taken on record.

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

6. It is not disputed before this Court that the petitioner is in custody since 13.01.2019. A perusal of the custody certificate dated 18.04.2026 reflects that the petitioner's incarceration, as an undertrial, is for 7 years, 2 months and 16 days. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give 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 18.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 years 2 months and 16 days and is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in more cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition



preferred by him. 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*.

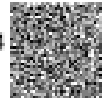
6.2 Indubitably, the present petition is the 4th attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 16.04.2024. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in 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.

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 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 cell-phone 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. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)

JUDGE

20.04.2026

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