

2026:PHHC:051037



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9239-2026

Satnam Singh
....Petitioner
versus
State of Punjab
....Respondent

Date of Decision: April 02, 2026
Date of Uploading: April 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Paramjit Singh Brar, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt (though not disclosed by the petitioner) filed under Section 483 of BNSS 2023, seeking grant of regular bail to the petitioner, in case FIR No.435 dated 22.10.2025, registered under section 109, 191(3), 190, 351(2), 324(4), 115(2) of BNS, 2023, at Police Station City Faridkot, District Faridkot.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:

"Statement of Kamaljit Singh I am doing mobile shop in the name of Gurpreet Telecom on 20.10.2025 I and my wife Taranpreet Kaur were coming back to our house after paying obisence at Gururdwara Sahib at about 6.30 pm Arshdeep Singh son of Krishan Singh, Kaka Singh son of Bhinder Singh @ Bhinda Halwi, Satnam Singh son of Amarjeet Singh @ Uggi, Sukhvir Singh @ Sukha son of Jagsir Singh @ Jabba and Bobby son of Kewal Singh residents of Dr. Ambedkar Nagar Kamiana Gate Faridkot were talking on the backside of our house by parking their motorcycle I asked them that the street is very narrow and please go in the open space and Satnam Singh told me that street is not of your father that you are stopping us from standing here. I said the street is of the public but as it is a festival day you get ahead. On saying so I and my wife went inside our house then after celebrating the Diwali Festival I and my wife slept in upper portion of the house at about 10.30 pm we heard sound of the carackers and saw from the parapet in the street Arshdeep Singh armed with kirpan, Kaka

Singh armed with kappa, Sukhvir Singh empty handed, Satnam Singh empty handed and Bobby also emptied handed were standing in the street in front of our house, Stanam Singh gave a lalkara come down stairs we will teach you a lesson for stopping us for standing in the street. I stated that we are not quarrel with you, you also celebrate Diwali with your family, Arshdeep Singh and Kaka Singh started breaking our door with their kirpan and kappa I kept on requesting them by standing on the roof meanwhile my wife Taranpreet Kaur also came there and pleaded that we have not point of fighting. Sukhvir Singh @ Sukha broke a earthen pot lying there in the street and started throwing towards us, Bobby throw brick bats towards us. My wife Taranpreet Kaur went forward to pacify them then Sukhvir Singh @ Sukha and Arshdeep Singh claimed with stairs in front of our house Sukhvir Singh @ Sukha throw a piece of earthen pot towards head of my wife, which hit on her left eye I tried to take care of her but Bobby throw a brick bat which hit on my stomach on hearing our cries my parents came in the upper portion, that the left eye and entire face of my wife was covered with blood. We raised cries then they all went away with their respective weapons while abusing and threatening to kill us. Thereafter, I and my father got admitted Taranpreet Kaur in GGSMC&H in Faridkot, but we all took my wife to DMC Ludhian for better treatment, during the treatment Dr. told that the eye of Taranpreet Kaur has been damaged and all the accused has caused injuries in order to kill us. I had made my statement Sd/- Kamaljit Singh, Sd/- ASI Chamkaur Singh dated 22.10.2025.”

3. Learned counsel appearing for the petitioner has argued that the petitioner was arrested on 27.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the role ascribed to the petitioner is that of *lalkara*. Learned counsel has further argued that the petitioner has suffered incarceration for more than 5 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 28.03.2026 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. The petitioner was arrested on 27.10.2025 and is stated to be in continuous custody since then. Upon culmination of investigation, challan was

presented on 19.01.2026. Total 21 prosecution witnesses have been cited and it is the conceded position before this Court that none of the prosecution witness has been examined till date. It is, thus, indubitable that conclusion of trial will take long time. The rival contentions raised at bar; as to the whether the petitioner has been falsely implicated into the FIR; shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. Further, as per the custody certificate dated 28.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 5 months & 3 days. Further, as per the said custody certificate, though the petitioner is stated to be earlier involved in One another FIR but he stands acquitted in that case.

6.1. The present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn and the following order was passed therein, on 13.02.2026:

“1. Learned State counsel submits that charges have not been framed and injured needs to be examined particularly the grievous injury carrying nil visual prognosis on the person of Taranpreet Kaur having been caused, in view of which learned counsel for the petitioner does not press the present petition, at this stage.

2. Ordered accordingly.”

However, keeping in view the entirety of 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.***

Ergo, further detention of the petitioner as an undertrial in the FIR in question is not warranted in the factual *milieu* of the case.

7. There is another aspect *nay* vital aspect of the matter which deserves attention of this Court.

The integrity of the adjudicatory process rests upon the foundational pillar of *uberrima fides* i.e. the requirement of utmost good faith. This assumes greater significance, wherein the Court has been approached for grant of discretionary relief such as bail. A petitioner, acting through legal assistance, is burdened with an affirmative duty to disclose all material facts, in a petition for bail, which constitutes a declaration regarding prior bail applications and specific findings recorded therein. This obligation is not merely a procedural formality but a substantive prerequisite, as the adjudication of successive bail plea(s) necessitates evaluation of '*Change in circumstance(s)*' since the last dismissal. The significance of disclosing trajectory of prior bail applications can be gauged from the fact that the Hon'ble Supreme Court has time and again mandated for disclosure of such an essential piece of information in bail applications. A profitable reference in this regard can be made to *dicta* passed by the Hon'ble Supreme Court in ***Kusha Duruka Vs. State of Odisha, 2024(4) SCC 432***, relevant whereof reads thus:

"20. In our opinion, to avoid any confusion in future it would be appropriate to mandatorily mention in the application(s) filed for grant of bail:

(1) Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.

(2) Details of any bail application(s) filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.

This court has already directed vide order passed in Pradhani Jani's case (supra) that all bail applications filed by the different accused in the same FIR should be listed before the same Judge except in cases where the Judge has superannuated or has been transferred or otherwise incapacitated to hear the matter. The system needs to be followed meticulously to avoid any discrepancies in the orders.

In case it is mentioned on the top of the bail application or any other place which is clearly visible, that the application for bail is either first,

second or third and so on, so that it is convenient for the court to appreciate the arguments in that light. If this fact is mentioned in the order, it will enable the next higher court to appreciate the arguments in that light.

(3) The registry of the court should also annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The same system needs to be followed even in the case of private complaints as all cases filed in the trial courts are assigned specific numbers (CNR No.), even if no FIR number is there.

(4) It should be the duty of the Investigating Officer/any officer assisting the State Counsel in court to apprise him of the order(s), if any, passed by the court with reference to different bail applications or other proceedings in the same crime case. And the counsel appearing for the parties have to conduct themselves truly like officers of the Court.”

Furthermore, in a case titled as ***Zeba Khan Vs. State of U.P. and Others, 2026 AIR Supreme Court 1006***, the Hon’ble Supreme Court observed as under:

“42. It has been consistently emphasised by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.

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47. As repeatedly observed by this Court, bail applications are examined at multiple stages - from the trial Court to the High Court and ultimately this Court - where courts are often constrained to take a prima facie view on incomplete or selectively presented records. Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail, or conversely, the prolonged incarceration of accused persons despite substantial custody having already been undergone.

48. Thus, this Court is of the view that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication.”

7.1. In an era where judicial transparency is bolstered by digital infrastructure, the failure to disclose such material fact is increasingly inexcusable. When the information regarding history of a case and other petition(s) arising out of the same FIR, is readily available *via* the High Court’s website/public domain, a plea of ignorance by counsel filing the petition borders on dereliction of requisite professionalism. The Hon’ble Supreme Court, while

raising concern regarding non-disclosure of material facts, in ***Saumya Chaurasia Vs. Directorate of Enforcement, 2024 AIR Supreme Court 387***, relevant whereof reads as under:

“14. It cannot be gainsaid that every party approaching the court seeking justice is expected to make full and correct disclosure of material facts and that every advocate being an officer of the court, though appearing for a particular party, is expected to assist the court fairly in carrying out its function to administer the justice. It hardly needs to be emphasized that a very high standard of professionalism and legal acumen is expected from the advocates particularly designated Senior advocates appearing in the highest court of the country so that their professionalism may be followed and emulated by the advocates practicing in the High Courts and the District Courts. Though it is true that the advocates would settle the pleadings and argue in the courts on instructions given by their clients, however their duty to diligently verify the facts from the record of the case, using their legal acumen for which they are engaged, cannot be obliterated.”

While a petitioner's incarceration may present logistical hurdles in obtaining precise instructions, the learned Counsel, espousing the cause of a petitioner, owes duty to the Court and is charged with dual responsibility: to zealously espouse the cause of his/her client while ensuring that the stream of justice remains unpolluted by *supressio veri* and *suggestion falsi*.

7.2. While the ordinary course of nature would dictate dismissal of such petition on this score alone, *howbeit*, this Court must balance the scales of justice with a measure of judicial empathy, more particularly, where upon the merits of the case, the petitioner deserves concession of bail. Taking into account that a petitioner behind bars may occasionally struggle to communicate the nuances of past legal proceedings to his learned Counsel, there exists a possibility that such an omission was inadvertent rather than a calculated attempt to manipulate the Court's jurisdiction.

7.3. *Ergo*, having regard to the peculiar factual matrix of the case in hand, including the period of incarceration already undergone by the petitioner, this Court, in exercise of its judicial discretion, while preferring not to dismiss the petition on suppression *re* filing of the previous bail plea(s) to avoid further

prejudice to an imprisoned litigant, must nonetheless unequivocally deprecate such conduct. The petitioner's failure to disclose the previous dismissal is a practice that cannot be outrightly countenanced. Accordingly, this Court deems it fit to impose costs of ₹10,000/- for the material non-disclosure of previous bail petition.

8. In view of above, the petition in hand is **allowed**. The 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 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.
- (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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. The petitioner is directed to deposit costs of ₹10,000/- with the Chief Judicial Magistrate (CJM), Faridkot within four weeks from today. In case such costs are deposited; CJM, Faridkot shall have the same remitted to the District Legal Services Authority, Faridkot. In case, the said costs are not

deposited by the petitioner as directed for; the CJM, Faridkot is directed to intimate the Deputy Commissioner, Faridkot who shall have such costs recovered from the petitioner, by all lawful means, including as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Faridkot shall have the same submitted to CJM, Faridkot, for further remittance thereof to District Legal Services Authority, Faridkot. A compliance report be sent by CJM, Faridkot as also Deputy Commissioner, Faridkot to this Court accordingly.

Registry is directed to transmit a copy of this judgment to CJM, Faridkot as also Deputy Commissioner, Faridkot for requisite compliance.

11. Ordered accordingly.
12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
13. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 02, 2026
naveen/mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No