

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

2026.PHHC:036225



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CRM-M-10083-2026

Date of decision: 10.03.2026

Date of uploading: 10.03.2026

Hardeep Singh @ Deepa

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Varun Sharma, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition is the third attempt, which has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.34 dated 09.02.2020 registered for the offences punishable under Sections 379B (2), 34 of IPC and Section 25 of the Arms Act, at Police Station Ranjit Avenue, District Police Commissionerate Amritsar.

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 Aashish Rana son of Gopal Das Rana resident of village Badhala District Una State Himachal at present resident of OMQ 180/2, Air Force Station Amritsar Cantt aged 29 years

Mobile No. 70870-79564. Stated that I am resident of abovementioned address & am Flight Lieutenant Officer in Air Force and I am posted in air force station at Amritsar Cantt. Today at around 09:07 PM I along with my wife Upasna Rana being driven on dark grey Maruti Suzuki Brezza car bearing registration No. HP72-C-1908 came to IN-OUT bakery at Ranjit Avenue Amritsar. My car's all documents were inside the same along with 10 piece of jar box inside black polybag. We have parked our car at the other side of the road opposite IN-OUT bakery and the same was facing towards Ranjit Avenue wherein, we after ordering cake came out of the bakery at around 9:23 PM whereby, I unlock my car with remote key and I sat on the driver seat of the car and my wife was about to sit on the co-driver seat of the car whereby, one non-turbaned person who was having pistol in his hand while pointing the same on her temple pushed her behind. In the meanwhile, one another non-turbaned young man came towards my side & after opening my door pointed pistol upon me and told me to come outside of the car. Thereby, I and my wife came outside the car and in the meantime, their one another accomplice viz. non turbaned young man came there who was having pistol in his hand. All these three persons sat inside the car and speedily reversed the car whereby, my car rammed into one another verna car. Therein, all those 3 unknown persons fled in my car speedily from service road at bye-pass towards Loharka road. Uptill now I was searching those persons on my own level and now I have come to you. Legal action be taken against abovementioned unknown persons. SD/- Ashish Rana. Action by Police: Today I ASI along with HC Gurbhej Singh 1442, HC Baljinder Singh 1500, HC Baljeet Singh 2145 were present at police station wherein, abovementioned Ashish Rana along with his wife Upasna Rana came at police station and recorded his abovementioned statement before me. Whose statement after recording has been read over and made to understand. Who after hearing and reading his statement as correct has affixed his signature below his statement in English. The same has been attested by me. As per statement, committal of offence under sections 379B (2) IPC and 25/54/59 of Arms Act is made out ”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 05.08.2020. Learned counsel appearing for the petitioner has further submitted that two co-accused; some similarly placed namely Harbhej Singh @ Bheja and Mohabbatjit Singh have been granted the concession of regular bail vide order dated 21.05.2021 passed in CRM-M-18926-2021 (Annexure P-2) and 03.07.2023 passed in CRM-M-58796-2022 (Annexure P-3), respectively. Learned counsel appearing for the petitioner has further argued that the petitioner is now in custody for more than 5 years. Learned counsel appearing for the petitioner has further contended that the prosecution has failed to examine a single witness till date. Thus, regular bail is prayed for.

4. Learned State counsel 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 09.03.2026 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 05.08.2020 whereinafter investigation was carried out and challan was presented on 04.11.2020. Total 18 prosecution 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 not in dispute that conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of***

Maharashtra and another, 2024(3) RCR (Criminal) 494, relevant whereof reads thus:

“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.”

The rival contentions of the learned counsel for the parties; 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.

6.1. Indubitably, the present petition is the third attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-19216-2024 was dismissed as withdrawn on 09.01.2025 (Annexure P-5)

whereas the second one bearing CRM-M-55484-2025 was dismissed as withdrawn on 09.10.2025 (Annexure P-6). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of 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.”

7. As per the custody certificate dated 09.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 3 years,

6 months & 23 days and is stated to be involved in multiple other FIRs/cases. 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***.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail 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. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 10, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No