

2026:PHHC:062057



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

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CRM-M-10334-2026

Binnu Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 23.04.2026**Date of Uploading : 24.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R.S. Thakur, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.9 dated 14.01.2023, registered for the offences punishable under Sections 307, 384, 120-B, 34 of IPC and Section 25, 27, 54, 59 of the Arms Act at Police Station Talwandi Sabo, District Bathinda.

The petitioner has earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 11.03.2025. The relevant part of said order reads as under:-

“ After arguing for some time, learned counsel for the petitioner seeks withdrawal of the present petition at this stage.

2. Dismissed as withdrawn at this stage”

Thereafter, the present petition i.e. the second petition for grant

of regular bail, has been preferred by the petitioner on 18.02.2026.

2. As per the prosecution case, the FIR was registered on the statement of complainant Chaman Lal, a retired Lecturer, who stated that on the day of occurrence at about 7:30 PM, while he and his son namely Dr. Dinesh Bansal were present at Raj Nursing home, two unknown young men entered the hospital on the pretext of obtaining an OPD slip. Thereafter, they entered the room of the doctor and shortly thereafter, upon hearing a bell, the complainant along with staff rushed inside and found both persons engaged in a scuffle with Dr. Dinesh Bansal. It has been alleged that one of them took out a pistol and fired at Dr. Dinesh Bansal with an intention to kill him, causing a gunshot injury on his leg. Both the assailants fled from the spot thereafter and the injured was immediately shifted to hospital for medical treatment. On these set of allegations, the FIR in question has been registered. Subsequently, during the course of investigation, the present petitioner was nominated as one of the accused.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as he was not named in the FIR which was initially registered against unknown persons. Learned counsel has further iterated that there is no identification of the petitioner in the FIR and no recovery has been effected from him. It has been further contended that the alleged injury is on the leg which *prima facie* does not indicate any intention to kill. According to learned counsel, the petitioner has been in custody since 25.01.2023 and the trial is progressing at a snail's pace with only 01 witness partially examined out of 27 witnesses cited by the prosecution. It has, thus, been submitted that the continued incarceration of the petitioner particularly in the absence of any substantive or direct evidence linking him to the alleged offence would

serve no useful purpose. Learned counsel has emphasized that the co-accused has already been granted the concession of regular bail by this Court vide order dated 11.03.2025 and, therefore, on the principle of parity the petitioner is also entitled to the similar relief. Furthermore, the petitioner has clean antecedents and there is no likelihood of his absconding or tampering with the prosecution evidence. Moreover, the petitioner shall undertake to abide by all conditions that may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the petitioner is the main accused who has actively participated in the commission of offence and has fired the gunshot at the victim. Learned State counsel has iterated that the offence is grave and serious in nature involving an attempt to murder inside a hospital. It has been further contended that the petitioner is associated with criminal elements and has been convicted in another FIR registered shortly thereafter which reflects his conduct. Learned State counsel has pointed out that the earlier petition of the petitioner for grant of regular bail has already been dismissed and there is no substantial change in circumstances. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; relevant whereof reads as under:-

9. *The paramount issue, in any plea for grant of regular bail, is the liberty of an individual. Indubitably, within our society and jurisprudence, liberty is a cherished foundational principle and has fundamental ascendancy over all other attributes of social order. Even within the framework of Constitution, this principle is made conspicuous, inter alia, in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C., 1973 is one such procedural law which permits curtailment of liberty of anti-social and anti-national elements. Yet, liberty of an individual, the accused, must not transgress the rights of another individual, the victim, in terms of right to dignified everyday life without any imminent fear or threat. Additionally, the rights of the collective of individuals viz. the State/Society at large, also cannot be neglected. Therefore, while countenancing the facts for considering the bail, the rights of the triad of accused, victim and the State (Society at large) ought to be entailed. Ergo, while considering a bail plea, the Court ought to take into account this core concept(s).*

9.1 *An analytical perusal of Cr.P.C. explicates that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking regular bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions, especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights. The bar contained in Section 362 of Cr.P.C. can, by no stretch of legal imagination, be said to be barring the filing of second/successive regular bail petition.*

9.2 *The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one, later in point of time. Similar is the ratio decidendi of the judgment of Hon'ble Supreme Court in **Kalyan Chandra Sarkar** (supra). Ergo, it can be safely inferred that the decision of a Court qua regular bail petition is essentially an interlocutory order and hence the postulation of res judicata does not apply to its realm.*

9.3 *The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive regular bail petition(s).*

9.4. *The concordant legal position is that the essential pre-requisite for consideration of second/successive regular petition is the material/substantial change in circumstances and factors of alike nature. Indubitably, the further period of incarceration suffered by the petitioner-accused after rejection/withdrawal of first/earlier plea for bail, pace of trial, the witnesses turning hostile or not supporting prosecution case and changed medical condition(s) of accused would be pertinent factor(s). It goes without saying that these factors are only illustrative in nature and cannot by any means be said to be exhaustive.*

9.5 *No rigid or universal criterion can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional or different fact, may cause a sea of difference. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court, in accordance with the settled norms of our jurisprudence.*

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. The present petition is a second petition for grant of regular bail by the petitioner. A second regular bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first regular bail filed by the petitioner was dismissed as withdrawn on 11.03.2025. The instant petition i.e. second petition for grant of regular bail has been filed thereafter on 18.02.2026. However, since the first regular bail petition was dismissed as withdrawn without adjudication on merits, this Court deems it appropriate to also examine the petition on merits.

8. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must

the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*"14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of*

evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh**, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and **Puran v. Ram Bilas**, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.”*

This Court also in specific terms held that :

*“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”*

*In **Panchanan Mishra v. Digambar Mishra**, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :*

“The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge

in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

9. Indubitably, the allegations against the petitioner are grave in nature. The allegations in the present case pertain to a serious offence wherein the assailants allegedly entered a hospital and fired at a doctor inside his chamber. The petitioner alongwith co-accused is alleged to have entered Raj Nursing Home, Talwandi Sabo, under the pretext of seeking medical consultation. After entering into the chamber of Dr. Dinesh Bansal, both the accused allegedly engaged in a scuffle with him. It has been specifically attributed to the petitioner that he took out a pistol during the course of the incident and fired a gunshot at Dr. Dinesh Bansal with the intention to kill him. The bullet is stated to have struck the victim on his leg and immediately thereafter, the petitioner alongwith his co-accused allegedly fled the spot while pushing aside the complainant and other persons present at the scene. The plea that the petitioner was not named in the FIR and has been nominated subsequently during investigation does not, at this stage, dilute the specific role attributed to him, particularly when the act of firing has been directly ascribed to him. The nature and gravity of allegations as well as the role assigned to the petitioner cannot be lightly brushed aside at this stage. The plea of the petitioner that the injury has been caused on the non-vital part of the body i.e. leg and, therefore, no intention to kill is absent, is a fact which can only be ratiocinated upon during the course of trial and cannot be conclusively determined at the stage of consideration of plea for grant of regular bail. The seriousness of the allegations, coupled with the specific role attributed to the petitioner, weighs heavily against the grant of bail. Though the petitioner has been in custody

factors by themselves are not sufficient to dilute the gravity of the offence alleged against him.

9.1. The plea of parity raised by the petitioner is also misconceived and does not merit acceptance as the case of the petitioner stands on a different footing inasmuch as a specific and active role, particularly of firing the gunshot, has been attributed to him. It is well settled that the principle of parity is not absolute and is subject to the individual role and circumstances of each accused. Therefore, the petitioner cannot claim the benefit of parity in the factual *milieu* of the case in hand.

10. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses. The contention of learned counsel that the name of the petitioner does not find mention in the initial FIR and he has been subsequently nominated does not, by itself, create a ground for grant of regular bail, as it is well settled that an accused can be arrayed during the course of investigation if sufficient material surfaces against him. Moreover, such submissions would require deeper appreciation of evidence, which cannot appropriately be undertaken at the stage of consideration of a bail petition.

Furthermore, the petitioner has also sought bail on the ground of prolonged

custody and snail pace of the trial. Though it is true that the petitioner has been in custody for a considerable period but the seriousness of the allegations and his criminal antecedents weigh heavily against him. The material which has been placed on record does not show that the delay in trial is solely attributable to the prosecution. In such circumstances, long custody, by itself, cannot be treated as a ground for grant of bail.

11. Considering the gravity of the offence, the stage of the trial and the overall facts and circumstances emerging from the record, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

April 23, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No