

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

2026.PHHC:049056



134

CRM-M-14161-2026

Date of decision: 30.03.2026

Date of uploading: 30.03.2026

Karan Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akash Rana, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition is the second attempt, which has been filed under Section 483 of BNS 2023 for grant of regular bail to the petitioner in case bearing FIR 125 dated 20.04.2024 U/s 302, 148, 149, 120-B of IPC, Police Station City Kharar, District Mohali.

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 Gagandeep Singh, son of Charan Singh, resident of Village Jitwal Khurd, Police Station Ahrnedgarh, District Malerkotla, presently residing at Flat No. 70, First Floor, City Heart, Kharar, Police Station City Kharar, District S.A.S. Nagar, age about 36 years, mobile number 7888865819, states that I am resident of the said address and I do work/business of property sale/purchase. That my friend Tajinder Sharma alias Teji, son of late Balbir Singh, resident of Village Hathn, Police Station Sandoor, District Malerkotla, who was my friend from

college time, used to come and go often to meet me at my residence in Kharar. On date 13-04-2024 I came to my Kharar residence City Heart. On date 15-04-2024 my friend Tajinder Sharma came to my Kharar residence City Heart and told me that on date 19-04-2024 he has to go to Canadian Embassy Chandigarh for biometrics. He told me that his some old known persons - Prateek and Karan, residents of Small Flats Maloya Chandigarh, and Jama, son of Jaffar, resident of Shine Hotel Village Behlolpur, and Dheeraj Kumar, son of Dharamveer Singh, resident of House No. 368 Maloya Chandigarh had been keeping erunity and grudge with him for some time, and that to explain to them he had given them time to come to Nijjar Chowk; he said, "If you come with me, then we both can explain to them and remove their misunderstanding." On this, I and Tajinder Sharma boarded his car number HR26-CM-3950 (Swift) and went near Nijjar Chowk market waiting for them. Then around 12:30 AM, an Activa came from Chandigarh side wrong side of the market on which a boy and a girl were riding, and just behind the Activa a motorcycle number CH01-CL-1796 (Splendor Plus, black colour) came on which three boys were riding, they stopped near us, Then Tajinder Sharma told me that these are the same Prateek, Karan, Jama and Dheeraj with whom we have come to talk. Then my friend Tajinder Sharma started talking with those boys, while they were talking, some argument happened about some matter. Then the girl who had come with them caught Tajinder Sharma by the collg. Then Karur shouted calling her by name Sonia and said, "You move back." And Karan and Dheeraj Caught Tajinder Sharma from behind by his arms, and lama first gave kicks and punches in Tajinder Sharma's stomach and Prateek took out from his pocket a kirch (sharp-edged weapon) and first struck it in Tajinder Sharma's stomach. When I tried to free Tajinder Sharma, then Prateek also made a life-threatening attack on me with the kirch, but I saved myself. Then immediately Prateek made another blow with the kirch on the right side of Tajinder Sharma's neck, on which Tajinder Sharma fell on the ground and much blood started flowing. Then I shouted "Save, savel" (help, help), and people started gathering there, on which Prateek together with Sonia, Karan, Jama and Dheeraj fled

from the spot on their respective Aactiva and motorcycle along with their weapons. Then I, with the help of passers-by, laid Tajinder Sharma on the back seat of his car and took him for treatment to Cheema Hospital, Phase 4 Mohali, where during treatment Tajinder Sharma died. His dead body is kept in the mortuary of Cheema Hospital, Phase 4 Mohali. That Prateek and Karan, residents of Small Flats Maloya Chandigarh, along with their friends Jama, son of Jaffar, resident of Shine Hotel Behlolpur, and Dheeraj Kumar, son of Dharamveer Singh, resident of House No. 368 Village Maloya Chandigarh, together under old enmity have murdered my friend Tajinder Sharma. Kindly take proper legal action against the above-named Prateek, Karan, Jama, Dheeraj and Sonia. I was coming to the police station to give this information when you met me near the main gate of Cheerna Hospital; I have given you my statement, which has been read and heard by me and is correct. Statement Sd/- Gagandeep Singh So Charan Singh, SI Incharge Chonki Sunny Enclave Police Station City Kharar.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.05.2024. Learned counsel for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that a somewhat similarly placed co-accused namely Pratik Rai has been granted the concession of regular bail by this Court vide order dated 21.01.2026 passed in CRM-M-64528-2025 (Annexure P-6). Learned counsel appearing for the petitioner has further submitted that the prime prosecution witness/FIR-complainant has not supported the case of the prosecution. Learned counsel has further argued that the petitioner is a young man aged 21 years with no criminal antecedents. He has further submitted that the petitioner has suffered incarceration for more than 1 year and 10 months. 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 29.03.2026 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 21.05.2024 whereinafter investigation was carried out and challan qua the petitioner was presented on 25.09.2024. Total 15 prosecution have been cited, out of which only one has been examined till date. It is not in dispute that the 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.

6.2. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-23104-2025 was dismissed on 05.09.2025 (Annexure P-2). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody; prime prosecution witness/FIR-complainant did not support the case of the prosecution 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 29.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 1 year, 10 months and 4 days and is not shown to be involved in any other FIR/case.

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 30, 2026
Naveen

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