



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

225

**CRM-M No.12929 of 2026
Date of decision : 22.4.2026
Date of uploading : 23.4.2026**

Balwant Kumar**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Mikhail Kad, Advocate and
Mr. Jagjit Singh, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present 4th petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.162 dated 19.06.2023 registered for offences punishable under Sections 302/148/149 of IPC (Sections 323 of IPC added later on), at Police Station Sahnewal, Ludhiana, District Ludhiana.

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 Gautam Prasad son of Mussai Resident of Village Bela Police Station Biti District Ambedkar Nagar UP at present resident of Care of Singla Da Vehra, Street No.02, Makkar Colony, Giaspura, Police Station Sahnewal Ludhiana aged 45 years Mob No 9855477137 stated that I alongwith my family is residing at the above said address I work in Kangaro factory in Sherpur. I have 4 children 2 boys and 2 girls both girls are elder, from girls the youngest boy Ansh Kumar alias Lallu and



youngest boy Anshuman Kumar. My son Ansh Kumar alias Lallu, who was came out from the Ludhiana Jail on bail just a month and half ago on whom a case us 307 was registered in Police Station, Sahnewal. My boy Ansh Kumar alias Lallu's friend Mohit Kumar son of Jagdish Kumar resident of Street No 02 Makkar Colony Giaspura Police Station Sahnewal Ludhiana who lives just in front of our house. Today at 100 PM my younger son Anshuman called me that Ansh Kumar alias Lallu has had a big fight in Indira Park at Indira Colony Giaspura with one Balwant Singh and his 8-10 other companions. On which I left the factory at the same time but when I came, I saw that my son Ansh Kumar alias Lallu was being beaten by Balwant Singh and his other 8-10 unknown persons with his weapons and Datars. I was empty handed. When I looked by hiding myself then Balwant Singh along with his 8-10 unknown persons beaten him many times with a sharp edged knife on his head left arm and other parts of his body and was killed. That the above said persons also gave injuries to Mohit Kumar. I screamed Marta Marta then Balwant Singh and 8-10 unknown persons fled from the spot on a motorcycle alongwith their weapons. Then peoples were gathered there. I alongwith other relatives went to spot and saw that my boy Ansh Kumar alias Lallu was bleeding a lot due to the wound on his body, one of the fingers of my boy's hand was cut and separated. I saw my boy with my other relatives then my boy was dead and my other son Anshuman said that yesterday at around 6.00 Balwant Singh alongwith his other companions came to quarrel with my son Ansh Kumar alias Lallu and Mohit. Howsoever Balwant Singh alongwith other 8-10 companions killed with his deadly weapons. The reason is Balwant Singh and his accomplice had earlier first encounter with Mohit and Ansh Kumar alias Lallu. I and my son Anshuman can identify the persons when ever they are in front of us. Requested for legal action should be taken against Balwant Singh and other 8-10 unknown persons.'

3. Learned counsel for the petitioner has submitted that the petitioner was initially arrested on 22.06.2023. Learned counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further argued



that the prime prosecution witness namely PW-Mohit Kumar (who is also alleged to have suffered injuries) has turned hostile. Learned counsel appearing for the petitioner has further argued that the petitioner is in custody for the last more than 2 years, 9 months & witnesses are not coming forth despite repeatedailable warrants having been issued against them. To buttress his arguments, learned counsel for the petitioner has relied upon *zimni* orders dated 19.05.2025, 02.06.2025, 03.07.2025, 28.07.2025, 01.09.2025, 09.10.2025 and 10.11.2025 passed by the trial Court. Thus, regular bail is prayed for.

4. 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 21.4.2026 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 in dispute that the petitioner came to be arrested on 22.06.2026 whereinafter investigation was carried out and challan qua the petitioner was presented on 15.9.2023. Total 20 prosecution witnesses have been cited and out of which only 7 have been examined and 3 have been given up. It is not in dispute that one of the prime witnesses namely PW-Mohit Kumar has turned hostile. 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 a judgment passed by the Hon'ble Supreme



Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions raised at Bar 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 Indubitably, the present petition is the 4th attempt by the petitioner to secure regular bail. The first bail plea preferred by the petitioner was dismissed as withdrawn on 2.9.2024. The second bail plea was dismissed on 7.12.2024 on merits thereof. And the last bail plea was dismissed as withdrawn on 28.7.2025. However, keeping in view the



factual *milieu* of the case in hand, especially the extended incarceration of the petitioner 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.”

6.2 As per custody certificate dated 21.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 9 months and 25 days & is not shown to be involved in any other



case.

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/Illaqa 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.

(SUMEET GOEL)
JUDGE

22.4.2026
Ashwanii

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