



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

121

**CRM-M No.13240 of 2026
Date of decision : 23.4.2026
Date of uploading : 24.4.2026**

Harjit Singh @ Happy Baba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Ghumman, 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 FIR No.12 dated 24.1.2024 under Sections 323, 324, 326, 307, 148 and 149 of the IPC (Section 302 of IPC added later on), registered at Police Station Maqsudan, District Jalandhar Rural.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Pastor Gulshan Masih S/o Rehmat Masih R/o 23.01.2024 on at Mian Khan District village Puraniya Bagarhi PS Bhaini Gurdaspur aged about 37 years phone 98782-68618. Stated that I am a resident of the said address & I am serving as a about 8:30 PM I was pastor. Today constructing a new church at the back side of Vikram Resort in village Sangal Sohal. 15-20 pastors were serving there, of which 2 i.e. Pastor



Rajan & Pastor Bhagwan had gone to the village Sangal Sohal to drink tea. While they were drinking tea, 3-4 unknown persons came & started slapping Pastor Rajan & Pastor Bhagwan. They told them that you had beaten us earlier. Pastor Rajan & Pastor Bhagwan came running towards us. They were followed by 20-25 unknown persons with datars & swords. We were performing church service & they started beating us. Out of whom we identified three men named Gurpreet Singh Gopi S/o Buta Singh R/o Village Sangal Sohal, Jatan Thakur S/o Vijay Thakur R/o H.No. 36 DAV College, Jalandhar near Bitol Nagar & named of the third one is Harjit Singh Happy Baba R/o village Mirpur. They had quarrelled with us earlier also in Bawa Khel Church & were saying that we have come to take revenge on us. 3 of them had already hit Pastor Bhagwan's head with a Kirpan & hit his forehead. They all hit his body & Pastor Rajan's body too. Attacks were made which could not be seen because it was dark. Attacks were also made with Datar & Kirpan. Our other pastors also suffered many injuries. Pastor Kuldeep was admitted to Civil Hospital Jalandhar. Only 3 of them are under treatment. Gurpreet Singh @ Gopi, Jatan Thakar & Harjit Singh @ Happy have injured us due to an old grudge. They have brought 20-25 more people & attacked our pastors with the intention of killing us. Strict action should be taken against them. Statement was recorded, read it & heard it, which is correct. Sd/- Pastor Gulshan Masih 98782-68618, Sd/- Pastor Mahi Manchanda 98887-57663.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.1.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner has not been attributed any injury to the deceased Bhagwan Singh but is attributed by fists/blows above the left shoulder of injured-witness namely Kuldeep Singh. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 2 years. Learned counsel has further submitted that the petitioner is a man with no criminal antecedents. Thus,



regular bail is prayed for.

4. Learned State counsel has filed status report in Court today. The same be kept on record. A perusal of the injury chart given in the said status report, reads thus:

Injured Bhagwan Masih

Injury No.	Name of accused	Weapon	Place of Injury	Type of Injury	Opinion of the Doctor
1	Gurpreet Singh @ Gopi	Datar	Head	Sharp	Dangerous to life
2	Manjit Singh @ Baba	Datar	Head	Sharp	Dangerous to life

Injured Pastor Kuldeep Singh. However, the injured has not medicolegally examined and there is no MLR of the injured.

Injury No.	Name of accused	Weapon	Place of Injury	Type of Injury
1	Jatin Thakur	Datar from the reverse side	Above the left Shoulder	Not Medico-legally examined
2	Harjit Singh @ Happy Baba (Petitioner)	Fists/Blows	Above the left Shoulder	Not Medico-legally examined
3	Gurpreet @ Gopi	Datar from the reverse side	Left arm over the Elbow	Not medico-legally examined
4	Manjit Singh @ Baba	Datar from the reverse side	On the centre of Right arm between the hand	Not medico-legally examined.

Injured Pastor Rajan Masih. However, the injured has not medicolegally examined and there is no MLR of the injured.

Injury No.	Name of accused	Weapon	Place of Injury	Type of Injury
1	Gurpreet @ Gopi	Datar from the reverse side	Right leg on the calf	Not medicolegally examined
2	Manjit Singh @ Baba	Datar from the reverse side	Right arm under the elbow	Not medicolegally examined
3	Jatin Thakur	Datar from the reverse side	Left arm under the elbow	Not medicolegally examined
4	Jatin Thakur	Fists/Blows	Back	Not medicolegally examined

Raising submissions in tandem with the said status report, 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 22.4.2026 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. The petitioner was arrested on 24.1.2024 wherein after investigation was carried out; challan was prepared on 8.11.2024 and subsequently filed. Charges in the instant case were framed on 1.10.2024. Total 27 prosecution witnesses have been cited, out of which only 01 has been partly examined till date. It is thus indubitable that trial is procrastinating. 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; including the weightage required to be attached to the above hostile witnesses; shall be gone 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 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 16.1.2025 wherein following order was passed:

‘Faced with the situation that the prime prosecution witnesses are yet to be examined, learned counsel for the petitioner seeks to withdraw the present petition at this stage.

Dismissed as withdrawn for the nonce.’

6.2 Keeping in view the entirety of the factual *milieu* of the case in hand, especially the extended incarceration of the petitioner and snail pace of the trial and the *zimni* orders placed on record reflecting that the prosecution witnesses are not repeatedly appearing despite even summons/bailable warrants have been served upon them, 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.”

6.3 As per custody certificate dated 22.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 28 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

23.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No