



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

231

CRM-M-13412-2026

Date of decision :12.05.2026

Date of uploading :12.05.2026

**Suresh Bajpai**

.....Petitioner

**Versus****State Of Punjab**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

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**SUMEET GOEL, J. (ORAL)**

1. Present 2<sup>nd</sup> 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.5 dated 16.01.2025 under Sections 309(4), 109(2), 61(2), 3(5) of BNS and Sections 25, 27 of Arms Act, registered at Police Station Division No.2 Jalandhar.

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 Munish Bajaj alias Bittu son of late Mr. Ramesh Bajaj resident of house number 61 PUDA Sports Enclave, Old Jail Jalandhar age 54 years mobile number 98150-89688. Stated that I am resident of above mentioned address, and I am doing the business of clothing, my sister Bindiya Kathpal wife of Mintu Kathpal resident of house number 281 Adarsh Nagar near Basant Hotel Jalandhar, whose petrol pump is in the name of Kathpal Service Station near Durga Colony HMTV College. Sagar Uhri alias Mithu son of late Davinder Uhri resident of house number EM- 167, Rasta Mohalla near Milap Chowk Jalandhar age 35 years who is our relative and a very honest and loyal person whom my sister has hired as manager and maintenance of this petrol pump. My sister Bindiya Kathpal told that today on 16.01.2025 Sagar Uhri alias Mithu was going to deposit the cash of Rs.4,48,000/-(Rupees Four Lakh Forty Eight Thousand) of the said petrol pump in his bag on his*



motorcycle number PB-08 ER-4505 make Pulsar Bajaj at Patel Chowk, Jalandhar near State Bank of India when at around 2:30 PM, Sagar Uhri alias Mithu reached Durga Colony in front of T-Point, Dana Mandi. Three young men who came on motorcycle opened fire on Sagar Uhri alias Mithu and snatched the bag containing the money and rode on the motorcycle towards Dana Mandi. Our relative Sagar Uhri alias Mithu also rode on his motorcycle behind the motorcycle rider who had snatched it. When the robbers reached in front of the cosmetic shop in Dana Mandi, Jalandhar on their motorcycle, our relative Sagar Uhri alias Mithu hit his motorcycle on the motorcycle of robbers to stop them. The robbers fell off their motorcycle and the robbers with the intention to kill him they fired shot upon him and seriously injured him, they took the bag of money with them and fell down. He stopped the motorcycle, started it and ran away. On receipt of information, we reached the spot and we admitted Sagar Uhri alias Mithu to Johal Hospital Rama Mandi for treatment, who is under treatment. Sagar Uhri alias Mithu was robbed and robbed by the said robbers with the intention of killing him. The make and number of the motorcycle are not known. Appropriate legal action be taken against these robbers and justice be given to us. Sd/-(English) Munish Bajaj 9815089088 attested by SD/-Harpal Singh ASI P.S. Division 2, Commissionerate Jalandhar Date 16.01.2025 Action taken by Police: Today, I, ASI alongwith ASI Gori Shankar No. 1905, Ct Lovepreet Singh No. 607, Ct Talwinder Kumar, No. 2880, PHG Abhishek No. 15454 were present at the police station, then the head Munshi of the Police Station told that a tip-off was received from the Control Room Commissionerate Jalandhar that a shot had been fired at Workshop Chowk Jalandhar near Navi Dana Mandi. An investigating officer should be sent on the spot. On receiving the tip-off, I, ASI along with ASI Gori Shankar No. 1905, Ct Lovepreet Singh No. 607, Ct Talwinder Kumar No. 2880, PHG Abhishek No. 15454 reached Navi Dana Mandi Jalandhar where it was found that a person riding a motorcycle number PB08 ER 4505 brand Pulsar Bajaj was shot by three unidentified persons on the motorcycle and robbed him and fled from the spot. On the spot, the AFO Asstt Forensic Officer Meenu Kuchwaha along with ASI Daljit Singh No. 3124 CP JAL., Driver ASI Kulwant Singh No. 1039 CP JAL. in the government vehicle reached where AFO Assistant Forensic Officer in-charge Meenu Kuchwaha seized Mark 1 blood cotton bandage, Mark 2 Khol, Mark 3 Miss Round 7.65 and Mark 4 motorcycle's back light glass and motorcycle indicator glass and handed them over to the ASI who prepared different parcels of blood cotton bandage and Mark 2 Khol, Mark 3 Miss cartridge 7.65 and prepared separate parcels of motorcycle back light glass and motorcycle indicator glass found from the spot and sealed the said two parcels and bundles with his seal with the letters HS as evidence and taken in police possession and the motorcycle number PB08 ER 4505, brand Pulsar Bajaj, was also seized by the police through a formal seizure recovery memo, Mark 5 live cartridge, Mark 6 Khol, Mark 7 Coin, Mark 8 Khol, Mark 9 live cartridge, all 7.65, were seized from T Point Dana Mandi, Durga Colony, were taken in police possession and handed over to me ASI. They put them in a plastic box and prepared parcel. The parcel was sealed with his seal with the letters HS and taken by the police as evidence. However, it was found that the heirs of the person who had the accident had taken him Johal Hospital Rama Mandi, Jalandhar for treatment. I. ASI along with his fellow employees reached Johal Hospital Rama Mandi, Jalandhar, where obtained from the doctor, about the injured Sagar Uhri alias written opinion Mithu, son of late Davinder Uhri, resident of house no. EM-167 Rasta Mohalla near Milap Chowk Jalandhar, and the doctor declared the injured to be unfit to make statement. And Sagar Uhri alias Mithu's relative Munish Bajaj alias Bittu son of late Mr. Ramesh Bajaj resident of house number 61 PUDA Sports



*Enclave Old Jail Jalandhar had recorded his above statement to me, which statement was written, read over and read out, who accepted his statement as correct and signed his statement in English, which was verified by me ASI. From the statement offence under Sections 309 (4), 109 (2), 3(5) BNS, 25/27-54-59 Arms Act, 2011 are found to have been committed. The statement after writing was sent to the police station through CT Lovepreet Singh No. 607 for registration of case. The number of case be informed after registration. Special reports be issued and sent in the service of the Illaqa re Magistrate and higher officers. The control room be informed. The investigation is underway on the spot along with the ASI and other employees. Today, present in the area of Johal Hospital Rama Mandi Jalandhar At:-10:00 PM. SD/ Harpal Singh ASI Police Station Division No. 2 Commissionerate Jalandhar Date 16.01.2025 Today at the Police Station: On receipt of the above written statement, this First Information Report has been registered under the above said sections and a copy of the FIR alongwith original writing has been sent to the ASI through incoming CT Lovepreet Singh No. 607 for further investigation. The Station House Officer of the police station, and the control room have been informed on the phone and a special report has been prepared and is being sent in the service of the Illaqa Magistrate and higher officers through S/L/CT Charanjit Kaur No. 3207. Compliance Report No. 45 dated 16.01.2025."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.01.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner (herein) has been ascribed the role of conducting recce and is not alleged to have actually participated in the crime. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 1 year and 3 months. Learned counsel has further urged that the petitioner has clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit dated 26.04.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 11.05.2026 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 19.01.2025 wherein after investigation was carried out and challan qua the petitioner stands presented on 15.04.2025. Total 21 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. 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 by learned counsel 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 As per custody certificate dated 11.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 3 months and 13 days and is not shown to be involved in any other case.

6.2 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 09.10.2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in 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.”*

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

12.05.2026  
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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |