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2026:PHHC:047375



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH  
CRM-M-13443-2026

Gurinderpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: March 25, 2026  
Date of Uploading: March 25, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. B.B.S. Randhawa, Advocate for the petitioner.  
Mr. Adhiraj Singh Thind, AAG Punjab.

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SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case bearing FIR No.30 dated 22.06.2025, registered for the offences punishable under Sections 125, 3(5) of the BNS, 2023 (Sections 336, 34 of IPC) and Sections 25, 27 of the Arms Act, 1959 [Sections 109, 308(4), 61(2), 346, 317(2) of BNS (Sections 307, 387, 120-B, 489, 411 of IPC) added later on], at Police Station Mattewal, Amritsar.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Pavittarjit Singh, stated that on 22.06.2025, between 05:20 PM and 05:30 PM, he was present at his shop along with his helper, Gursahib Singh. During that time, two unidentified persons with muffled faces arrived on a motorcycle and fired two gunshots at him, which struck

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the outer wall of the medical store. The complainant chased the assailants with his licensed .32 bore pistol and fired in the air; however, the unknown persons managed to flee from the spot.

During the course of investigation, the complainant got his supplementary statement recorded, stating that he could not disclose certain material facts on 22.06.2025 as he was in a state of fear and perplexity. He further stated that he had been receiving threatening calls from unknown numbers demanding money, to which he did not initially pay much attention. Subsequently, after the incident, he came to know that the said calls were made by Arshdeep Singh @ Arsh and his father Gurinderpal Singh (*petitioner herein*). It is alleged that, upon his failure to pay the demanded ransom, the said accused persons, in furtherance of a premeditated plan and in conspiracy with their accomplice – Jasbir Ram @ Bui, attempted to kill him by firing gunshots at him on the date of occurrence.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 27.06.2025. 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 fire shot(s) are not attributed to the petitioner. Learned counsel has further submitted that the said fire shot(s) has not hit anybody. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

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Learned State counsel seeks to place on record the custody certificate dated 24.03.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.06.2025, whereinafter, investigation was carried out and the challan *qua* the petitioner has been presented on 26.08.2025. Total 18 prosecution witnesses have been cited, out of which, none has been examined till date. It is thus, indubitable, that conclusion of the trial will take long.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which 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.*

*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

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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 the custody certificate dated 24.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 24 days, & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn and the following order was passed therein, on 14.11.2025:

*“Present petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.30 dated 22.06.2025, registered under Sections 125 & 3(5) of the BNS, 2023 and Sections 25 & 27 of the Arms Act (Sections 109, 308(4), 61(2), 346 & 317(2) of the BNS added later on), at Police Station Mattewal, Amritsar (Rural).*

*2. Faced with the situation that FIR-complainant is yet to be examined as prosecution witness, learned counsel for the petitioner seeks to withdraw the petition in hand, for the present.*

*3. Dismissed as withdrawn, for the nonce.*

*4. Pending application(s), if any, shall also stands disposed off.”*

A perusal of the *zimini* order(s) brought forth before this Court indicates that the trial is procrastinating and the testimony of the FIR-complainant could not be recorded for one reason or the other, but the fault thereof is not attributable to the petitioner. Hence, this Court is inclined to affirmatively 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:*

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*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 factual milieu of the case.

7. In view of above, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, if not required in any other case, 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

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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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

March 25, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No