



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-15110-2026

Date of decision: 30th April, 2026

Surinder Singh @ Shinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

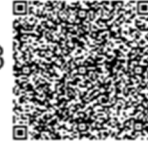
MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 103 dated 03.05.2022 registered under Sections 302, 307, 148 and 149 of IPC (Sections 323, 324, 326 and 450 of IPC added later on) at Police Station Jandiala, District Amritsar. His previous petition bearing CRM-M No. 6793 of 2025 had been dismissed vide order dated 10.03.2025.

2. The previous petition bearing CRM-M No. 6793 of 2025 had been dismissed by this Court by making the following observations:-

“6. The petitioner by forming unlawful assembly with the co-accused in prosecution of common object thereof, is alleged to have voluntarily caused injuries to the complainant, her husband as well as

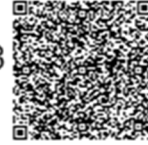
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her son. Her son had died as a result of the injuries so sustained whereas her husband sustained grievous injuries. The petitioner was not only named in the FIR but there are specific allegations against him that he along with the co-accused had kept on inflicting injuries on the person of the victim continuously at the time of occurrence. As per the post mortem examination report, as many as six injuries were sustained by the victim which were sufficient to cause death in ordinary course of nature and were ante mortem in nature. The complainant and her husband have also sustained simple as well as grievous injuries in the same incident. The allegations prima facie show complicity of the petitioner in the subject offences as he appears to be vicariously liable for the homicidal death of the victim as well as for causing injuries to the complainant and her husband. Keeping in view the serious nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.”

3. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, a period of more than 01 year and 01 month has lapsed. However, there is not much progress in the trial as only 04 out of 29 prosecution witnesses have been examined so far. The petitioner has been in custody for a period of over 03 years and 11 months. The chances of conclusion of trial in near future as still bleak. No useful purpose would be served by detaining him in custody anymore. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India of

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personal liberty. Each day spent by him in custody has furnished a fresh ground to him to seek concession of bail afresh. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel while relying upon the status report has argued that the petition is not maintainable being a successive petition. There is no substantial change in the circumstances. The allegations against the petitioner are serious in nature. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner by being part of an unlawful assembly is alleged to have voluntarily caused injuries to the complainant, her husband as well as her son. Her son has succumbed to the injuries. The complainant and other material witnesses have been examined and have supported the prosecution version. The petitioner has undoubtedly been in prolonged incarceration, however, only on that account benefit of bail cannot be extended to him. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction

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and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail.

7. In light of the foregoing legal principles, having regard to the applicant’s role in the incident and the reasonable apprehension of his absconding or tampering with evidence, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

8. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th April, 2026

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |