



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

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CRM-M-14533-2026

Date of decision : 02.07.2026

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Sukhdev Singh

.....Petitioner

Versus

State Of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Navkiran Singh, Advocate and
Mr. Harmeet Singh, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present 2nd 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.50 dated 24.02.2020 under Sections 302, 341, 120-B, 307, 148, 149 of the IPC and Sections 25, 27, 29 of Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.
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 Palwinder Kaur wife of Baldev Singh son of Jagtar Singh, resident of Bakipur, Police Station Sadar Tarn Taran, aged about 43 years, Phone No.62806-50502. Stated that I am resident of above mentioned address and I am a house wife. I live with my family in City Tarn Taran. Today dated 24.02.2020, I alongwith my husband Baldev Singh, father Nachhattar Singh, daughter Karanbir Kaur had gone to village Kot Jaspat to attend a marriage of relative. After getting free from Shagun rituals, my husband said that I will go for round in the wheat fields because farm house of my father-in-law was in front, regarding which our cases are pending. Time was around 3.15 PM



that my husband left to check the wheat sown by him, we also started walking behind husband my Baldev Singh. My husband was walking at a distance of 1-12 acres ahead of us then by that time from the side of farm house of my brother-in-law (Jeth) Sukhdev Singh, my brother-in-law Sukhdev Singh son of Jagtar Singh armed with gun, Manjinder Singh son of Sukhdev Singh armed with pistol, Amanat Singh son of Sukhdev Singh armed with pistol, Ranjit Kaur wife of Sukhdev Singh armed with baseball, Kuldeep Singh son of Gurdial Singh armed with gun, residents of Kot Jaspat and Kashmir Singh son of Kartar Singh resident of Kaad Gill armed with gun, Hoshiar Singh son of Makhtool Singh resident of Beas armed with gun walked towards my husband in hasty manner. My father-in-law who was standing at the corner of his house, was gesturing towards Baldev Singh. Then above mentioned Sukhdev Singh etc, gathered around my husband Baldev Singh, then Ranjit Kaur pointed towards metalled side of road, from where one Balero car No. PB 14-C-4477 came from which 8/9 Unknown persons came who had muffled faces whom I can recognize if they come in front of me who were armed with guns and pistol. Then while I and my father Nachattar Singh were watching, Ranjit Kaur above mentioned raised an exhortation and said catch him, teach a lesson to Baldev Singh for asking of land from us. Then by that time, Sukhdev Singh, Amanat Singh, Manjinder Singh, Kashmir Singh, Kuldeep Singh, and Hoshiar Singh started firing gunshots at my husband Baldev Singh with their hand held weapons. Unknown persons caught hold and dragged my husband from hair. Ranjit Kaur hit my husband with Baseball while he was lying down, unknown person gave blows with butts of guns and above-mentioned persons killed my husband at the spot by firing gunshots. I and my father Nachhattar Singh raised hue and cry saying 'save us, save us'. Then above-mentioned accused along with the persons (accused) who came on Bolero fled from the spot and I and my father after arranging for a vehicle brought my husband Baldev Singh to civil Hospital Tarn Taran, where my brother Jatinder Singh son of Nachattar Singh resident of Ban also came. That Doctor after checking my husband Baldev Singh declared him dead. That Sukhdev Singh etc. were having weapons out of which some were licensed weapons of my father-in-law Jagtar Singh. Reason of grudge is that my father-in-law had transferred the whole land in the name of my brother-in-law Sukhdev Singh. My husband asked for his share from Sukhdev Singh, Jagtar Singh. Above-mentioned accused in connivance with each other with the intention not to give my husband his share have killed my husband by firing gunshots. Justice be granted to me by taking action against them. Sd/- Palwinder Kaur, verified sd/- Manoj Kumar Inspector, S.H.O. Police Station Sadar Tarn Taran dated 24.02.2020."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.07.2020. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. According to learned counsel for the petitioner, in fact, there was a property dispute between the petitioner and the deceased, who were none else but real brothers. Learned counsel has further reiterated that the petitioner has suffered incarceration for more than 5 years and 11 months. Learned counsel for the petitioner has further submitted that the prime



prosecution witnesses have already been examined or given up, and hence there is no palpable chance of the petitioner interfering with the prosecution evidence. On the strength of these submissions, grant of the petition has been entreated for.

4. Learned State counsel has filed a short reply by way of an affidavit dated 27.04.2026 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 submitted that the petitioner, armed with a rifle, was present at the spot and had directly hit the deceased, and hence he ought not to be extended the concession of regular bail. Learned State counsel has further submitted that the weapon (rifle) used by the petitioner in the commission of the offence in question has also been recovered from him, though the said firearm was held under a licence in the name of the father of the petitioner, namely Jagtar Singh. 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 regular bail. Learned State counsel also seeks to place on record the custody certificate dated 01.07.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant, while raising submissions in tandem with the State counsel's arguments, has further submitted that the petitioner has antecedents in the form of three other criminal cases and, in case he is released on regular bail, there is likelihood that he may threaten the family of the deceased. Learned counsel has further urged that the petitioner has murdered his own brother for the lust of property. On the strength of these submissions, dismissal of the petition in hand is



entreated for.

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

6. The petitioner was arrested on 07.07.2020 wherein after investigation was carried out and challan *qua* the petitioner stands presented on 26.09.2020. It is the conceded case before this Court that a total of 52 prosecution witnesses have been cited, whereas 29 have been examined and 10 have been given up. This Court is inclined to afford regular bail to the petitioner primarily on the ground of his long incarceration. It is thus indubitable that the culmination of the trial will take its own time. 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. Nevertheless, to allay the fear of the complainant-side, it is directed that, in case the complainant-side files a plea before the SSP, Tarn Taran, for the grant of requisite police protection, the same shall be effectively ratiocinated upon within a period of 7 days from the receipt of such application, and requisite action, if so required, shall be undertaken by the concerned SSP.

6.1 As per custody certificate dated 01.07.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 05 years 11 months and 24 days & is shown to be involved in other cases/FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by



ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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 on 10.02.2025. 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/Illaq 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

02.07.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No