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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16078 of 2026

Jagmeet Singh @ Meeta ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	22.04.2026
2.	The date when the judgment is pronounced	23.04.2026
3.	The date when the judgment is uploaded on the website	23.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj R.Sharma, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.25 dated 11.02.2020 registered under Sections 302, 307, 34, 473, 411, 120-B, 148 and 149 of IPC and Section 25 (1-A) of Arms Act, 1959 at

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Police Station Dhariwal, District Gurdaspur. His previous petition bearing CRM-M-63852-2024 had been dismissed by this Court vide order dated 06.11.2025.

2. As per the allegations, on the evening of 10.02.2020, the complainant Jagdish Raj was present in his shop with his son Ashok Kumar and Assistant Vishal when two youths reached there in a car. They were having muffled facts. After alighting from the car, they started firing indiscriminately with their pistols towards his son Ashok Kumar and also fired shots towards Hitesh Mahajan @ HoneyMahajan who was present in a Ahata abutting the shop of the complainant. Both Hitesh Mahajan and his son Ashok Kumar were taken to hospital but his son had succumbed to the injuries.

3. After registration of FIR, investigation proceedings were initiated. During the course of investigation, accused Rajinder Singh @ Nikku and Lovepreet @ Love who was arrested in some other case suffered disclosure statement in that case on the basis of which they were nominated as accused in this case as well. On their disclosure, the present petitioner along with the co-accused was nominated as additional accused. The petitioner was arrested on 05.04.2020. The previous petition as filed by the petitioner had been dismissed by this Court on 06.11.2025 by making the following observations:-

“7. The petitioner is alleged to have hatched a conspiracy with the co-accused and also to have formed a membership of an unlawful assembly with them on 10.02.2020 and in prosecution of

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common object of that unlawful assembly, he, along with the co-accused, is alleged to have used firearms, and the shots fired with the same killed the victim Vishal and caused firearm injuries to PW-Hitesh Mahajan @ Honey Mahajan. PW Hitesh Mahajan has since been examined. Copy of his deposition as PW-4 has been placed on record, which shows that he had duly identified the present petitioner in the Court as one of the assailants, and also at the time of the Test Identification Parade, and has supported the prosecution version. As such, the petitioner cannot claim any benefit from the fact that the complainant and two eye-witnesses have not supported the prosecution version. The allegations against the petitioner are serious in nature. He along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. 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 and as such, is not a sufficient ground for enlarging the petitioner on bail. In view of the above discussion, this Court is of the considered opinion that the release of the petitioner may hamper the course of trial and undermine the integrity thereof and, thus, this Court finds no compelling grounds to grant benefit of bail to the petitioner. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the discussion as made above, this Court is of the considered opinion that the petitioner is not entitled to get benefit of bail. Accordingly, the petition is dismissed.”

4.

It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He is in custody for a period of over six years. He was not named in the FIR and has been nominated on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. His prolonged incarceration is militating against his fundamental right guaranteed under Article 21 of the Constitution. The trial is still likely to take considerable time to conclude as only 17 out of 41 witnesses have been examined so far. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned Assistant Advocate General, Punjab while relying upon the status report has argued that there are serious and specific allegations against the petitioner. His previous petition had been dismissed by passing a detailed order only on 06.11.2025 and shortly thereof, the instant petition had been filed. There is no substantive or drastic change in the circumstances. Apart from examining 17 prosecution witnesses, 08 have been given up and only 16 witnesses remain to be examined. The petitioner has been duly identified by injured eye-witness Hitesh Mahajan. His prolonged incarceration alone cannot be considered to be reason for extending benefit of bail to him. It is, therefore, argued that the petition is liable to be dismissed.

6. This Court has considered the rival submissions.

7. The petitioner was one of the assailants who had fired shots upon the victims Ashok Kumar and Hitesh Mahajan. Hitesh Mahajan while

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appearing as PW-4 has duly identified the petitioner as one of the assailants. This petition has been filed by the petitioner just after four months after dismissal of the previous petition. No doubt, second/successive regular bail petition is maintainable in law and ought not to be rejected only on the ground of maintainability thereof. However, it is well settled proposition of law that for a second/successive bail petition to succeed, the petitioner should show substantial change in the circumstances. Showing of a mere superficial or ostensible change does not suffice. Taking into consideration the fact that a considerable number of witnesses stand examined or given up and the trial is proceeding at a proper pace and further the well settled proposition of law to the effect that mere prolonged custody in heinous crimes is not a sufficient ground for enlarging an accused on bail coupled with the fact that the petitioner has failed to point out any substantial or drastic change in the circumstances from the date of dismissal of his previous petition, this Court finds no compelling ground to allow the petition. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No