

2026:PHHC:054509



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-17440-2026

Date of decision: 8th April, 2026

Komaldeep Singh @ Komal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Sangha, Advocate for the petitioner.

Ms. Sakshi Bakshi, 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. 117 dated 06.08.2024 registered under Sections 109, 3(5) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Baghapurana, District Moga. His previous petition bearing CRM-M- No. 8060 of 2025 had been dismissed vide order dated 09.04.2025.

2. As per the allegations, on 04.08.2024, on asking of the petitioner, the co-accused Laadi had thrown petrol over the complainant and accused Gabbar had set him on fire by igniting a lighter. The victim sustained several burn injuries and was taken to hospital. The petitioner was arrested on 08.08.2024. Presently, he is facing trial for commission of aforementioned

2026.PHHC.054509



offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of about 01 year and 08 months. The complainant Gurwinder Singh and eye-witness Sukhdev Singh have since been examined. The complainant Gurwinder Singh has not attributed any specific overt act to the petitioner and co-accused Karan Singh. Even the eye-witness Sukhdev Singh has not implicated the petitioner in the commission of the subject offences and has stated that accused Laadi and Gabbar Singh had sprinkled petrol on the complainant and had set him on fire. PW-2 Sukhdev Singh has been declared hostile as he has not supported the prosecution version with regard to involvement of the petitioner. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. The trial will take considerable time to conclude as several prosecution witnesses are yet to be examined. No useful purpose would be served by detaining him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition. She has placed on record custody certificate. It is argued by her that the previous petition as filed by the petitioner had been dismissed by passing a detailed order and therefore, the instant one being successive petition is not maintainable. It is, however, not disputed by her that the complainant and eye-witness Sukhdev Singh have not implicated the petitioner in commission of

2026.PHHC.054509



the subject offences. Therefore, it is stressed that the petition does not deserve to be allowed.

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

7. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier petition are also required to be recorded. Reference in this regard can be made to *Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458*, wherein it was so observed.

8. The previous petition as filed by the petitioner had been dismissed by this Court on 09.04.2025. Now the complainant and eye-witness Sukhdev have been examined. Copies of their sworn depositions have been placed on record. A perusal of testimony of Sukhdev Singh reveals that he did not even identify the petitioner as one of the persons who were present at the spot along with the assailants. Even the complainant has not attributed any specific overt act to the petitioner and as per his testimony, it was the accused Karam Singh @ Karma, who had caught hold of him and then accused Laadi had sprinkled petrol over him and whereas accused Gabbar had ignited a lighter thereby burning him. The petitioner is in custody since 11.08.2024.

2026.PHHC.054509



It is well settled principle that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. There are no chances of conclusion of the trial in near future. The continued detention of the petitioner is not going to serve any useful purpose. Taking into consideration the nature of the evidence that has come on record in the form of testimonies of material witnesses, the part attributed to the petitioner and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th April, 2026
Parveen Sharma

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