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

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Jashandeep Singh alias Bans

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 18.05.2026**Date of Uploading : 18.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Pardeep Kumar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.78 dated 28.05.2025, registered for the offences punishable under Sections 109(1), 115, 118(1), 126, 190, 191(2), 191(3), 333, 351(3), 118(2) of BNS at Police Station Rori, District Sirsa.

The petitioner had earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 15.10.2025. The relevant part of said order reads as under:-

“2. Faced with the situation that injured witness, namely, Satnam Singh is yet to be examined as prosecution witness, learned counsel for the petitioner seeks to withdraw the petitioner in hand at this stage.

3. Ordered accordingly.

4. The trial Court is directed to make an earnest endeavour to record testimony of the said witness-injured, namely, Satnam Singh.

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



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2. The gravamen of the FIR reflects that the complainant namely Satnam Singh son of Gurtej Singh @ Teja Singh, resident of village Rodi, has alleged that on 26.05.2025 at about 9:00 PM to 9:30 PM, he alongwith his friend Harpal Singh was going towards the house of the latter. When they reached near the Scheduled Caste Chaupal in village Rodi, they found the Harbans Singh @ Kaka Singh @ Pandi standing there alongwith co-accused Manjeet Singh @ Kana, Ranjeet Singh @ Mani, Kuljeet Singh, Arshdeep Singh @ Arsi, Jashandeep Singh alias Bans (petitioner herein) and Gurdeep Singh @ Gauri. It has been further alleged that all the accused persons were armed with deadly weapons. Accused i.e. Manjeet Singh was allegedly carrying a sword, Ranjeet Singh an iron rod, Harbans Singh @ Kaka Singh a Kasiya, Kuljeet Singh a kirpan, Arshdeep Singh a knife, the present petition an iron rod whereas accused Gurdeep Singh was empty handed. As per the complainant, the co-accused Harbans Singh raised an exhortation stating that complainant - Satnam Singh had arrived and he should not be spared. Immediately thereafter, all the co-accused persons had attacked the complainant with their respective weapons. The complainant has alleged that accused Manjeet Singh had attacked him with a sword aiming at his head which landed on his right wrist when he attempted to save himself. Similarly, accused Ranjeet Singh allegedly attacked him with an iron rod and accused Kuljeet Singh assaulted him with a sharp-edged weapon causing injuries on his hands and arms. The complainant has further alleged that when he attempted to flee from the spot, accused - Gurdeep Singh blocked his path and the accused Harbans Singh inflicted a *Kasiya* blow on his left shoulder. The specific allegation against the present

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petitioner is that he attacked the complainant with an iron rod blow which landed on the thick muscle of the left hand of the complainant. The complainant in an attempt to save himself, ran into the grocery shop and house of one Mange Ram but the accused persons followed him there while armed with the weapons. Thereafter, the accused persons continued to assault the complainant and threatened to kill him before fleeing from the spot. The injured was, thereafter, admitted in Sanjivani Hospital, Sirsa for treatment.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of some misunderstanding. Learned counsel has further iterated that the petitioner has no connection whatsoever with the alleged occurrence and has been unnecessarily roped in merely on the basis of omnibus allegations. It has been further contended that even as per the allegations contained in the FIR, the role attributed to the petitioner is limited in nature and no injury on any vital part of the body has been attributed to him. It has been further argued that the specific allegation against the petitioner is only that he inflicted an iron rod blow on the thick muscle of the left hand of the complainant and hence the provisions with regard to an attempt to commit culpable homicide are not attracted in the facts and circumstances of the present case. Furthermore, the petitioner has neither inflicted any injury on the head or chest region of the complainant nor used any sharp-edged weapon. The allegation of exhortation attributed to the petitioner is vague in nature and there is motive whatsoever for the petitioner to participate in the alleged occurrence and he has implicated only on account of the village

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rivalry. It has been further argued that the entire prosecution case rests upon ocular evidence and all the material evidence already stands collected by the investigating agency. Learned counsel has pointed that the petitioner is stated to be in custody since 13.06.2025 and investigation stands already completed. Challan has been prepared on 28.07.2025 and the same stands presented before the competent Court of jurisdiction on 03.11.2025, whereafter charges have already been framed on 21.11.2025. Since the conclusion of the trial is likely to take considerable time especially when as many as 18 prosecution witnesses have been cited by the prosecution, therefore, no useful purpose would be served for continued incarceration of the petitioner. It has been further asserted that the petitioner undertakes to abide by all the terms and conditions that may be imposed by this Court while granting the concession of regular bail. Learned counsel has pointed out that the present petition is the second petition for grant of regular bail as the earlier petition i.e. CRM-M-49299 of 2025 stands dismissed as withdrawn on 15.10.2025 as at that time the complainant/injured witness has not been examined. It has been submitted that since the injured witness namely Satnam Singh has already been examined and his testimony stands concluded which is a material change in circumstance thereby entitling the petitioner to re-agitate his prayer for grant of regular bail. On the strength of these submissions, the grant of regular bail is entreated for.

4. Learned State counsel has vehemently opposed the grant of regular bail to the petitioner on account of the present petition being non-maintainable as it is the second petition for grant of regular bail as also on merits thereof. The earlier petition was dismissed as withdrawn on

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15.10.2025 and there is no substantial change in circumstance so as to justify reconsideration of the prayer for regular bail. Merely because the complainant has now been examined does not entitle the petitioner to the concession of regular bail particularly when other material witnesses are yet to be examined and the trial is still at an initial stage. *On merits*, learned State counsel has opposed the present petition by arguing that the petitioner has been specifically named in the FIR with a clear and active role in the occurrence. According to learned State counsel, the petitioner is a part of an unlawful assembly armed with deadly weapons and has actively participated in the assault on the complainant. Learned State counsel has pointed out that the specific allegation against the petitioner is that he inflicted an iron rod blow on the left hand of the complainant and thereafter continued to participate in the occurrence alongwith the other co-accused persons. It has been argued that the manner in which the occurrence took place clearly demonstrates the common intention of all the accused persons to cause fatal injuries to the complainant. Furthermore, after completion of the investigation, challan has already been presented before the competent Court and charges have been framed against the petitioner and co-accused persons. The complainant/injured Satnam Singh has already been examined before the Court below as PW-1 and he has fully supported the prosecution version as well as the allegations levelled against the petitioner in the FIR. Learned State counsel has pointed out that the material prosecution witnesses including eye-witnesses Harpal Singh and Mange Ram are still yet to be examined and in case the petitioner is enlarged on bail, there is every likelihood that he may influence or intimidate the remaining



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witnesses. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; relevant whereof reads as under:-

9. *The paramount issue, in any plea for grant of regular bail, is the liberty of an individual. Indubitably, within our society and jurisprudence, liberty is a cherished foundational principle and has fundamental ascendancy over all other attributes of social order. Even within the framework of Constitution, this principle is made conspicuous, inter alia, in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C., 1973 is one such procedural law which permits curtailment of liberty of anti-social and anti-national elements. Yet, liberty of an individual, the accused, must not transgress the rights of another individual, the victim, in terms of right to dignified everyday life without any imminent fear or threat. Additionally, the rights of the collective of individuals viz. the State/Society at large, also cannot be neglected. Therefore, while countenancing the facts for considering the bail, the rights of the triad of accused, victim and the State (Society at large) ought to be entailed. Ergo, while considering a bail plea, the Court ought to take into account this core concept(s).*

9.1 *An analytical perusal of Cr.P.C. explicates that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking regular bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions, especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights. The bar contained in Section*



362 of Cr.P.C. can, by no stretch of legal imagination, be said to be barring the filing of second/successive regular bail petition.

9.2 The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one, later in point of time. Similar is the ratio decidendi of the judgment of Hon'ble Supreme Court in **Kalyan Chandra Sarkar** (supra). Ergo, it can be safely inferred that the decision of a Court qua regular bail petition is essentially an interlocutory order and hence the postulation of res judicata does not apply to its realm.

9.3 The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive regular bail petition(s).

9.4. The concordant legal position is that the essential pre-requisite for consideration of second/successive regular petition is the material/substantial change in circumstances and factors of alike nature. Indubitably, the further period of incarceration suffered by the petitioner-accused after rejection/withdrawal of first/earlier plea for bail, pace of trial, the witnesses turning hostile or not supporting prosecution case and changed medical condition(s) of accused would be pertinent factor(s). It goes without saying that these factors are only illustrative in nature and cannot by any means be said to be exhaustive.

9.5 No rigid or universal criterion can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional or different fact, may cause a sea of difference. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court, in accordance with the settled norms of our jurisprudence.

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.”

So far as the maintainability of the present second petition for regular bail is concerned, it is well settled that successive bail applications can be entertained only upon a substantial change in circumstances. Though the complainant has now been examined before the Court below, however, in the considered opinion of this Court, the same, by itself, does not constitute a sufficient change in circumstance and possibly be a ground for grant of regular bail to the petitioner at this stage, particularly when material witnesses are still left to be examined and the allegations against the petitioner remain serious in nature. However, since the first regular bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.



7. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the



*accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are



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allegations of tampering with the witnesses by the accused during the period he was on bail.”

8. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* discloses that the petitioner was armed with a deadly weapon and has actively participated in the occurrence. The prosecution version *prima facie* discloses that the petitioner was armed with an iron rod and actively participated in the assault upon the complainant. The occurrence, as alleged, was a coordinated attack by multiple accused persons armed with deadly weapons. The plea raised on behalf of the petitioner that the injury attributed to him was on a non-vital part of the body is a matter which can only be adjudicated upon during the course of trial and cannot be conclusively determined at the stage of consideration of plea for grant of regular bail. The Court is required to consider the totality of the allegations and the manner in which the occurrence is alleged to have taken place. The prosecution case reflects a coordinated attack by multiple accused persons armed with deadly weapons. The allegations further indicate that even after the complainant has managed to escape and entered the house of Mange Ram, the accused persons followed him there and continued the assault. Furthermore, the complainant/injured witness has already stepped into the witness box and has fully supported the prosecution version before the Court below. The material eye-witnesses and other prosecution witnesses are still yet to be examined. Therefore, the apprehension expressed by the prosecution regarding the possibility of influencing witnesses cannot be brushed aside at this stage. The seriousness of the allegations, coupled with the specific role attributed to the petitioner, weighs heavily against the grant of bail. Though



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the petitioner has been in custody since 13.06.2025 and the challan has already been presented but these factors by themselves are not sufficient to dilute the gravity of the offence alleged against him.

9. It is apt to mention herein that the offence is punishable under Section 109 of BNS and such offences have a serious impact on the Society at large. The intensity and the nature of injury on the person of the victim *prima facie* reflect a complete disregard of human life on the part of the petitioner. The material on record does not persuade this Court to hold that releasing the petitioner on bail at this juncture may adversely affect the progress of the trial. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly in light of his previous conduct of evading trial and being declared a proclaimed person.

10. Considering the gravity of the offence, the specific role attributed to the petitioner and the likelihood of his influencing the prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does



not deserve the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 18, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No