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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18022-2026

Date of decision: 9th April, 2026

Harjeet Singh @ Enki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kulwinder Singh, Advocate for the petitioner.

Mr. Vivek Sharma, 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. 78 dated 08.07.2024 registered under Sections 103, 3(5), 304 and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Maur, District Bathinda. His previous petition bearing CRM-M-15457-2025 had been dismissed vide order dated 27.05.2025.

2. As per the allegations, on 07.07.2024, the accused Harpreet Singh, Jaspreet Singh and Gurdeep Singh had inflicted injuries on the person of victim Jaspal Singh @ Athani, brother of the complainant Sukhpal Singh. The victim had succumbed to the injuries. The complainant had subsequently recorded a supplementary statement on the basis of which offence under

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Section 304 of BNS was added and the petitioner was nominated as an accused on the allegations that he had assisted the co-accused in fleeing from the spot in a car belonging to him. The said car was also recovered at his instance. The petitioner was arrested on 14.07.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of supplementary statement of the complainant that was recorded 05 days after the incident. He is not registered owner of the car alleged to be recovered from him. The ingredients for commission of offence punishable under Section 103 of BNS are not attracted against him. After dismissal of his previous petition, a period of about 11 months has expired. He has been in custody for a period of more than 01 year and 09 months. The trial has not progressed at all and no witness has been examined so far. The co-accused Balvir Kaur has been extended benefit of bail. The case of the petitioner is at better footing. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. 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. His antecedents are clean as only a case under the provisions of Section 52-A of Prisons Act has been registered against him. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is

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ready to argue the matter. While placing on record the custody certificate, he has argued that the allegations against the petitioner are serious in nature. His previous petition had been dismissed by passing a detailed order. There is no substantive change in the circumstances. It is, therefore, argued 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. The role attributed to the petitioner in this case is limited to providing a vehicle to the co-accused thereby facilitating them to flee from the spot. The petitioner was not named in the FIR. The linkage sought to be established between the petitioner and the alleged act rests on the supplementary statement of the complainant recorded 05 days after the incident. The role so attributed to him is distinct and remote offence from the direct commission of offence punishable under Section 103 of BNS. This Court is conscious that the provision is serious, however, in present purposes, the Court is required to test whether the material against the petitioner justifies continued pre-trial incarceration bearing nature of evidence and the progress of the trial. The petitioner is in custody since 14.07.2024. There is no progress in the trial since none out of 37 prosecution witnesses has been examined so far. As such, the chances of conclusion of trial in near future are bleak. It is well settled proposition of law that each day spent by him in custody has given rise to a fresh cause of action for seeking bail. Undoubtedly, this is a successive bail petition, however, it cannot be stated to be not maintainable

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due to that reason. The well settled proposition of law is that an accused has a right to make successive application for grant of bail. Though the Court is required to record the reasons for taking a view different from the one taken in the previous petition. The petitioner has remained in custody since 14.07.2024 i.e. for a period of about 01 year and 09 months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing 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. None out of 37 prosecution witnesses has been examined by the prosecution till now. In view of the discussion as made above, this Court is of the considered opinion that the further detention of the petitioner is not going to serve the ends of justice. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and

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subject to the following conditions:-

- (i) he shall appear before the learned trial Court on each date of hearing unless exempted.
- (ii) he shall not tamper with evidence or attempt to influence witnesses in any manner.
- (iii) he shall not leave the country without prior permission of the Court.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th April, 2026
Parveen Sharma

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