



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

234

CRM-M-23605-2026

Date of decision : 04.05.2026

Date of uploading : 04.05.2026

Resham Singh

.....Petitioner

Versus**State Of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

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.77 dated 04.06.2023 under Sections 308, 323, 341, 506, 148, 149 of the IPC, later on the challan was presented under Sections 308, 323, 341, 506, 148, 149, 325, 201 of the IPC, registered at Police Station Kotwali Nabha, District Patiala, Punjab.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"This time it is hereby recorded one statement of Dimple Sidhu son of Sohan Singh, resident of Prem Nagar, backside Gurudwara Bora Gate, Nabha by hand ASI Chamkaur Singh 1928/PTA for registering the case under section 308, 323, 341, 506, 148, 149 IPC, 1860 against Davinder Singh @ Prince, Resham sons of Babli, resident of Prem Nagar, Bora Gate, Nabha, Lovely Bhao, Badshah, Gaurav and Kamal Bhao and other unknown persons and the same has been received by hand PHG Jugraj Singh 18699 at Police Station and the contents of the same are as :- Statement of Dimple Sidhu son of Sohan Singh, resident of Prem Nagar, Gurudwara backside Bora Gate, Nabha, age about 43 years, mobile No.96460-31310 stated that I am the resident of above said address and I am doing the work of fruits and flowers near main road of PWD rest



house, Nabha. On dated 02.06.2023, at 9 PM me and my friend Bony son of Ved Parkash and Ladi son of Amarjit, residents of Bora Gate, Nabha were drinking cold drink in J the Tavern which is located at Cinema Road, Nabha and in the meantime, Davinder @ Prince, Resham sons of Babli, resident of Prem Nagar, Bora Gate, Nabha, Lovely Bhao, Badshah, Gaurva, Kamal Bhao and other unknown persons entered in the Tavern and after coming inside they started beating me and my friend Ladi fled away from the spot and my other friend Bony was caught hold by Badshah and Kamal Bhao and they took him at the godown of FCI after beating him and I got afraid from them and came out from the Tavern and ran towards the Mehas Gate side and then they caught hold me in the front of shop of Sharma Ice- cream and they again started beating me. Davinder @Prince gave two blow of iron datt upon my head and due to the same the blood start oozing out from my head and I fell down on the floor and while I was lying down Davinder @ Prince gave many blows of iron handle of water pump upon my right leg and Resham who was having handle of water pump in his hand gave the blow of the same upon my head and back. Garuav resident of Toba Basti, Duladi Gate, Nabha who was armed with handle of water pump gave the blow of the same upon my left arm and while I was lying down and the abovesaid persons beaten me with the handle of water pump. All the abovesaid persons were saying that today we will not leave him and thereafter I got unconscious and then the abovesaid persons left me on the spot and fled away from the spot with their weapons and then my friend Bony came there and he took me and got me admitted at Civil Hospital, Nabha for treatment and there the doctor sahib after providing stitches upon my head referred me to Rajindra Hospital, Patiala and there my treatment is going on. Abovesaid Davinder @Prince and Resham are my neighbours and they used to come in my house and I have no enmity with them. However, the abovesaid persons without any enmity beaten me. I have threat to my life from the abovesaid persons. Legal action be taken against the abovesaid persons. Today I have got recorded my statement in the presence of my father. The statement is read and heard and the same is correct. Sd/ Dimple Sidhu, verified by Sd/- Sohan Singh, Attested by Sd/ Chamkaur Singh ASI, P.S. Kotwali, Nabha, dated 14.06.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.07.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that prime prosecution witness namely Dimple Sidhu (who is also injured) has turned hostile, and thus the trial is not culminate into conviction. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 2 years. Thus, regular bail is prayed for.

4. 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 02.05.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 24.07.2023 wherein after investigation was carried out and challan qua the petitioner stands presented on 04.08.2023. Total 18 prosecution witnesses have been cited but only 2 have been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions; including the weightage/veracity required



to be attached to the testimony of hostile witness; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. 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.

6.1 As per custody certificate dated 02.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years 9 months and 5 days & is not stated to be involved in other pending FIR.

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 as withdrawn on 05.03.2025. 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/Illaqa 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

04.05.2026

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