



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

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CRM-M-25565-2026

Date of decision :12.05.2026

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**Kripan Chopra Alias Kripan Bhuvan Chopra Alias Bhuwan Chopra****.....Petitioner****Versus****State Of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rahul Rana, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

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**SUMEET GOEL, J. (ORAL)**

1. Present 2<sup>nd</sup> 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.201 dated 24.12.2024 under Sections 115(2), 118(1), 118(2), 126(2), 351(2), 191(3), 190 of the BNS and Sections 25, 54, 59 of Arms Act and Section 109 of BNS added later on, registered at Police Station Tibba, District Ludhiana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*“Statement of Sameer Son of Mohammad Suleman, resident of Street No.6, Mohalla Puneet Nagar, Police Station Tibba Road Ludhiana aged about 23 years. Mobile Number 84271-31346. It is stated that I am a resident of the above said address and is a carpenter. On dated 21.12.2024 at about 3 pm, by leaving my mother Ayesha at School for casting vote I was going back to home upon motorcycle alone and when I reached in Street No.2, Mohalla Puneet Nagar then I met my friend Manu and Sexy along with one more companions then we started talking by standing in the street then in the meanwhile from the backside some young boys by giving abuses were coming on 4-5 motorcycles then Monu quickly started his motorcycle*



and my motorcycle could not started and then I by leaving my motorcycle at the same place tried to sit behind the motorcycle of Manu but as there was no space at the backseat of motorcycle so, I could not sit then I by on my legs ran back to them. Then out the young boys coming behind us namely Baman by taking his companion's name Ranbir said to him 'shoot them' then Ranbir with the pistol in his hand fired two shots then I quickly sat down and entered into narrow street then the all young persons by parking their motorcycles at the side started running behind me in the narrow street who apprehended me and Kripan by datar holding in his hand attacked upon me, which landed upon my right hand and Teramanu with the datar holding in his hand attacked upon me, then I with my left hand tried to stop the attack of datar then the datar struck upon my left arm and Billa with the baseball holding in his hand attacked upon my head due to which I fell on the ground then Kripan with the datar holding in his hand attacked upon my right ear and cut my ear. Then Baman with the Datar held in his hand attacked upon my left ear and cut my left ear. After that Ansh with the datar held in his hand gave several attacks on my different body parts and all these persons kept on kicking me while I was lying on the ground, I shouted 'Bachao Bachao' then upon seeing the people gathering there all the above said young persons while giving threats of life to me along with their respective weapons ran away from the spot. After some time my friend Vipran came at the spot who called my brother by giving him message then all the persons took me from there to Civil Hospital Ludhiana where Doctor prepared my MLR and gave me First Aid as my condition was considerably deteriorated Doctor referred me to Civil Hospital Sector 32, Chandigarh where I am under treatment. The reason for enmity is that the above said young persons have continuous old enmity with boy named Sexy. The appropriate legal action be taken against Ranbir resident of Subhash Nagar, Kripan resident of Namdev Colony, Teramanu resident of Sandhu Colony, Baman resident of Mayapuri, Ansh resident of Mayapuri, Billa and 7-8 unidentified persons for giving me injuries after beating. I have got recorded my statement to you in the presence of my younger brother Sahib and father Mohammad Suleman. Heard it, understood it, it is correct. Sd/- Sameer, Attested Sahib and Mohammad Suleman. Attested Baljit Singh ASI, Police Station Tibba, Ludhiana dated 23-12- 2024. Police proceedings: on Dated 21-12-2024 1 ASI was present at Police Station then the Head Clerk Police Station told that one patient Sameer son of Mohammad Suleman resident of Street No.6, Mohalla Puneet Nagar, Tibba Road, Ludhiana through ruka CR Number 24121155, dated 21.12.2024 have got admitted in Government College and Hospital Sector 32, Chandigarh, upon which I made a contact with the relatives of above said patient Sameer, who said that today Sameer is not fit for giving statement, please take his statement tomorrow on dated 23-12-2024. Upon which I ASI along with companions for taking the statement of patient Sameer reached at Government Medical College and Hospital, Sector 32, Chandigarh where after getting ruka from the Police post the written application was presented to Doctor for getting the statement, upon which doctor told the above said patient Sameer fit to give the statement. Upon which the patient Sameer in the presence of his younger brother Sahib and father Suleman got recorded his above said statement, whose statement after writing word to word was read over to him, and was made to understand, who after hearing and admitting his statement to be correct signed under his statement in English. The statement was endorsed by Sahib and Mohammad Suleman which I ASI attested. Regarding that quarrel MLR Number HSG/2117/2024 Dated 21.12.2024 of injured Sameer has already been received in which Doctor has stated to got 10 injuries, in which injury number 1, 2, 4, 5 are written to be sharp and injury number 3, 6, 7, 8, 9 are blunt. Injury number 10 is written point



*sharp. From the above said statement and above said MLR offence under section 115(2), 118(1), (2), 126 (2), 351 (2), 191 (3), 190 BNS is found to be made out Upon receiving the report of injuries kept under observation regarding firing after investigating deeply whatever will be the situation action will be taken. So, the statement after duly writing against Ranbir resident of Subhash Nagar, Kripan resident of Namdev Colony, Teramanu resident of Sandhu Colony, Baman resident of Mayapuri, Ansh resident of Mayapuri, Billa and 7-8 unidentified boys for registration of case under above said offences it will be handed over to Head Clerk after reaching Police Station. After registering the case the investigation will be taken up. I ASI along with companions is moving to Police Station Tibba, Ludhiana. Sd/- Baljit Singh ASI, Police Station Tibba Ludhiana dated 23-12-2024, Jurisdiction Government Medical College and Hospital Sector 32 Chandigarh at 9:00pm. Today upon receiving the above said statement, above said case under above said offences against above said accused was registered. Original statement along with copy of FIR is being handed over to Nizd ASI. Control Room was informed. Complete Report Number 3 at 1:02 AM."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.02.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, in any case, the sole injured already stands examined as a prosecution witness and has supported the material aspects in his testimony. 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 11.05.2026 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 29.02.2024 wherein after investigation was carried out and challan stands presented on 29.03.2024. Total 14 prosecution witnesses have been cited but only one has 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 raised by learned counsel give rise to debatable issues which shall be ratiocinated upon 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 11.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 4 months and 9 days & is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required



to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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 20.01.2026. 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/Illaq 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

12.05.2026  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |