



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

229

**CRM-M No.26763 of 2026
Date of decision : 18.5.2026
Date of uploading : 18.5.2026**

Sanjay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Bawa, Advocate, for the petitioner

Mr. Jaypreet Singh, 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.14 dated 20.1.2026 under Sections 310(4), 310(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Dakha, 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:-

'SHO, Police Station Dakha, Jai Hind, Today, I ASI alongwith ASI Balvir Singh No. 756, ASI Gurnam Singh No. 592, CT Harmanjit Singh No. 234, LCT Gurpreet Kaur No. 267, PHG Buta Singh No. 29549, CT Lovepreet Singh No. 75/802, CT Lovepreet Singh No. 75/206, CT Gagandeep Singh No. 2/752 on government vehicle bearing no. PB 65 BG 8504 were present at Main Mullanpur Chowk for patrolling and in search of the suspected persons then special secret informer came to me ASI and gave the



information that Karamjit Singh son of Jarnail Singh resident of Patti Boora Dakha Ludhiana against whom already many FIRs are registered and he has made join new boys with him and he gets the offences committed from them. Today also Karamjit Singh alongwith Kundan Kumar son of Subot Paswan resident of Mandi Mullanpur, Ludhiana, Sanjay Kumar son of Siya Ram resident of Mandi Mullanpur, Ludhiana, Mohd. Sameer Seikh son of Mohd. Hussain resident of Dakha, Ludhiana, Shiva Chaudhary son of Manoj Chaudhary resident of Mandi Mullanpur, Ludhiana and Akash Deep Singh son of Hardeep Singh, resident of Dakha Ludhiana are sitting in the vacant plot having half boundary wall opposite to the Gurmeet Bhawan and are making plan to commit the offence of looting at some ATM. I have seen them and heard by myself while talking. Who are having deadly weapons. If now the raid would be conducted at the above said place then all the above said can be apprehended with deadly weapons. The information is solid and reliable. The offences under sections 310 (4), 310 (5) of BNS are made out against the above said persons for preparation to commit the dacoity and for keeping the deadly weapons with them. So, the information against the Karamjit Singh, Kundan Kumar, Sanjay Kumar, Mohd. Sameer Seikh, Shiva Chaudhary and Akash Deep Singh is being sent by hand through PHG Buta Singh No. 29549 to police station under the above said sections, after registration of the FIR, number may be informed, information be sent to the control room. Special Reports may be issued. I ASI alongwith officials is going for investigation. Today area main Mullanpur Chowk at 5:10 PM. SD/- Narinder Kumar ASI, PS Dakha, District Ludhiana Rural.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.1.2026. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further urged that, upon culmination of investigation, challan already stands presented and all witnesses are official persons and there is not likelihood of the petitioner to interfere with the prosecution evidence. 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 17.5.2026 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 20.1.2026 and is in continuous custody since then. It is not in dispute that challan, upon culmination of investigation, stands presented on 9.3.2026. Charges were framed in this Court on 6.4.2026. Total 8 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised at Bar 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 17.5.2026 filed by learned State counsel, the petitioner is a common man aged 24 years and has already suffered incarceration for a period of 3 months and 26 day & is not shown to be involved in any other case.

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 27.3.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the extended incarceration of the petitioner and snail pace of the 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

18.5.2026
Ashwanii

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