



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-34961-2025

Date of decision : 29.01.2026

Date of uploading : 29.01.2026

Ram Prasad

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Samay Sandhawalia, 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.38 dated 26.03.2024 under Sections 307, 506, 34 of IPC and Sections 27, 54, 59 of Arms Act, registered at Police Station Sadar Faridkot, District Faridkot.
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 Sharanjit Singh alias Ram Sharanjit Singh son of Baljit Singh, resident of Village Mahla Kalan, P.S. Baghapurana, Tehsil Baghapurana, District Moga, aged about 32 years, Mob. No.77102-75159. Stated that I am resident of above said address and I do work as a DJ by profession. A year ago, I had permanently established my DJ at Maharaja Dhaba situated in Village Tehna, on the main highway road from Faridkot to Sri Amritsar Sahib and on the other side of Dhaba, there is a petrol pump of HP company, where Ram Prasad Tripathi, resident of Green Avenue, is working as Manager. Since the Dhaba and the petrol pump are close to each other, so we both became friends. The money which I used to collect by organizing programs, Ram Prasad Tripathi used to borrow money from me often. One day, I asked Ram Prasad Tripathi for the money I had lent, then Ram Prasad Tripathi got angry with me, due to which, there was a bit of dispute occurred between us. Few days ago, Ram Prasad Tripathi again asked me for money, but I refused to lend him money stating that I could not afford to pay. Yesterday, on 25.03.2024, from around 8.30 pm to around 9.30 pm, Ram



Prasad Tripathi phoned me continuously and asked me to come to Maharaja Dhaba. After making repeated phone calls by him, I alongwith my friend Jaspal Singh alias Jassa son of Inder Singh, resident of Village Mahla Kalan reached at Maharaja Dhaba in my car, which was driven by Jaspal Singh alias Jassa. After getting down from the car, I phoned said Ram Prasad Tripathi that I have reached Maharaja Dhaba, but where are you? Then Ram Prasad Tripathi said that he is on the left side of the road, near the Kikar tree on the side of the road, upon which, I went about 50-60 karmas from Maharaja Dhaba towards Kikar tree on the side of the road. There, Ram Prasad Tripathi and another unknown person were standing near their motorcycle. Then said Ram Tripathi started asking me to give him more borrowed money. I said that neither you have returned the money, which you have taken from me earlier nor have you made any writing nor have I any other funds to give you nor can I give you more money. Upon which, Ram Tripathi got angry and took out his .32 bore revolver from his dub and fired directly at me with intention to kill me, which hit my right ear. Then Ram Prasad Tripathi fired another straight shot at me, which hit my waist and I fell face down. The unknown person standing next to him said that now, finish him and whatever Mahla Kalan. Sd/- Chamkaur Singh, ASI, P.S. Sadar Faridkot dated 26.03.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.03.2024. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the prime prosecution witness, namely the FIR/complainant-injured Sharanjit Singh @ Ram Sharanjit Singh and another witness, namely Jaspal Singh @ Jassa, have been turned hostile when examined as a prosecution witness, on 17.04.2025, and thus the trial is not likely to culminate into conviction. Learned counsel has further reiterated that the petitioner has been in custody for more than 1 year and 9 months and is a man with clean antecedents. 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



28.01.2026 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 27.03.2024 wherein after investigation was carried out and challan stands presented on 30.07.2024. Total of 22 prosecution witnesses have been cited, out of which 10 stand examined, 2 have been partly examined, and 3 have been given up. It is indubitable that the prime prosecution witness, namely FIR/complainant-injured Sharanjit Singh @ Ram Sharanjit Singh, and another witness, namely Jaspal Singh @ Jassa, have been turned hostile. The rival contentions of learned counsel for the parties; including the weightage/veracity required to be attached to the testimony of a hostile witness vis-à-vis other evidence brought on record by the prosecution; 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 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 15.05.2025. Keeping in view the entirety of the factual *milieu* of the case in hand; especially extended incarceration of the petitioner for a period of 09 months; hostile testimony of the prime prosecution witness, namely the FIR/complainant-injured Sharanjit Singh @ Ram Sharanjit Singh, and another witness, namely Jaspal Singh @ Jassa, who turned hostile on 17.04.2025, 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.”

6.2 As per custody certificate dated 28.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year, 9 months and 27 days & is not shown to be involved in any other case.

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, if not required in any other case, 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

29.01.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No