

2026 PHHC 028258



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CRM-M-36251-2025

Date of decision: 23rd February, 2026

Amarjit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Rajesh Gupta, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner seeking grant of regular bail in case bearing FIR No. 28 dated 08.04.2024 registered under Sections 379-B, 341, 148, 149 and 120-B of IPC (Sections 307, 325, 326, 120-B and 201 of IPC added later on) at Police Station Kathunangal, District Amritsar Rural, on the basis of the statement recorded by the complainant Jagjit Kumar, alleging that on 07.04.2024, seven youths, who came riding on motorcycles, had intercepted him and opened an assault upon him, thereby causing injuries with the respective weapons which they were carrying in their hands and after snatching his motorcycle and throwing him in a nearby field, they fled away. All of them were having their faces covered. The complainant thereafter recorded his supplementary statement on

2026 PHHC 028258



04.09.2024, alleging that his wife Reshma, who was having an illicit relationship with the present petitioner, had hatched a conspiracy with the co-accused to eliminate him and, in pursuance thereof, injuries were inflicted on his person. Some of the injuries sustained by the complainant were opined to be dangerous to life. The petitioner was arrested on 05.09.2024. He suffered a disclosure statement admitting his involvement in the crime. The co-accused were also arrested. The petitioner had earlier filed a petition before this Court, which was dismissed on 04.03.2025.

2. It is argued by learned counsel for the petitioner that ever since the dismissal of his earlier petition, a period of about one year has passed; however, the trial has not progressed at all, as not even a single prosecution witness out of a total of 22 witnesses has been examined. The petitioner has remained in incarceration for about one year, five months and eighteen days. No useful purpose would be served by detaining him in custody any further. The prolonged incarceration of the petitioner furnishes a fresh ground for seeking concession of bail. With these submissions, it is urged that the petition deserves to be allowed.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has argued that the present petition, being a successive one, is not maintainable, particularly when the earlier petition was dismissed by passing a detailed order. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has heard learned counsel for the parties at

2026.PHHC.028258



considerable length.

5. The petitioner was arrested on 05.09.2024 and has been in custody since then. The chances of conclusion of the trial in the near future are obviously bleak, as not even a single prosecution witness has been examined so far. The petitioner is in custody for a period of 01 year, 05 months and 18 days. 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 right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled

2026.PHHC.028258



preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition 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 the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

6. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd February, 2026
Parveen Sharma

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