



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

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**CRM-M No.40265 of 2025
Date of decision : 28.1.2026
Date of uploading : 28.1.2026**

Darshan Singh**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. GVS Behl, Advocate and
Mr. Jugraj Singh Chauhan, Advocate, for the petitioner
Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present 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 bearing FIR No.114 dated 11.7.2024, for the offences punishable under Sections 115(2), 126(2), 118(1), 351(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (Sections 118(2), 109 and 3(5) of BNS added and Sections 190 & 191(3) of BNS deleted later on), registered at Police Station City-II, District Malerkotla.
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 Bhupinder Singh, son of Hans Singh, resident of Ravidas Nagar, Malerkotla, age about 27 years, phone number 62844-41520, stated that I am a resident of the aforementioned address. I am a CNC Operator at KS Factory, Raikot Road. Gurmukh Singh son of Dalwara



Singh, resident of Ravidas Nagar, also works with me in the factory. Gurmukh Singh, after his duty, sets up an egg cart at Dharamshala near Ravidas Nagar in the evening. On 16.10.2024 at around 6:25 PM, we came from the factory with eggs on a motorcycle near Ravidas Nagar, Dharamshala. I was sitting on the motorcycle when Gurmukh Singh started keeping the eggs down then suddenly, Ravi son of Jagtar Singh in possession of a knife, Amandeep Singh son of Darshan Singh in possession of a pole axe, Soni son of Koran Singh In possession of a baseball bat and Jagtar Singh, Darshan Singh, Koran Singh in possession of rods and sticks, residents of Ravidas Nagar, Malerkotla came, then Ravi immediately stabbed Gurmukh Singh in the abdomen and the others also started beating Gurmukh Singh. I tried to rescue Gurmukh Singh, then Ravi stabbed me on the left side of my abdomen and Darshan Singh gave a blow of pole axe on Gurmukh Singh, however, Gurmukh Singh stepped back and the pole axe hit over the bicep of my left arm. Then Amandeep Singh gave a blow of pole axe on the left side of my chest and inflicted several injuries to Gurmukh Singh. He raised hue and cries, then Koran Singh and Jagtar Singh threatened to kill us. People gathered there and the aforementioned persons left the place of occurrence while threatening to kill us. Had I not rescued Gurmukh Singh, then the aforesaid persons would have killed us. There is no reason for any enmity. Seeing us gravely injured, the people admitted us to the Civil Hospital Malerkotla. The doctors of Malerkotla referred us to RH Patiala, whereby we are undergoing treatment. You have come, I have recorded my statement with you, read and heard it, admit the same to be correct. Action be taken against Jagtar Singh, Darshan Singh, Koran Singh, Ravi, Soni, Amandeep.XXXXXXXXXX.'

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.10.2024. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question on account of his having friendly relationship with co-accused namely Ravi, who is attributed the injury *qua* Section 109 of BNS (erstwhile Section 307 of IPC). Learned counsel has further submitted that



the petitioner has been implicated into the FIR on account of being a part of unlawful assembly and he has been attributed a grievous injury only. Learned counsel has further submitted that the petitioner has suffered incarceration more than 01 year. 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 27.1.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 27.10.2024 whereinafter investigation was carried out and challan stands presented on 20.1.2025. Total 19 prosecution witnesses have been cited and it is not disputed before this Court that none has been examined till date. 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.”

6.1 The rival contention 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.

6.2 As per custody certificate dated 27.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 2 months and 30 days & is not shown to be involved in any other FIR(s).

6.3 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 4.4.2025. Keeping in view the entirety and factual *milieu* of the case in hand, especially the extended incarceration of the petitioner and the delay in trial, which cannot be attributed to the petitioner, 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

28.1.2026
Ashwani

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