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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108-1

CRM-M-44170-2024 (O&M)

Chhinder Kumar @ Chindi @ Shindi

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 25.02.2026

Date of Uploading : 25.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

Mr. D.S. Virk, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.199 dated 17.10.2021, registered for the offences punishable under Sections 302/452/364/148/149 of IPC at Police Station Nihal Singh Wala, District Moga.

2. The petitioner had earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 08.01.2024. The relevant part of said order reads as under:-

“[1]. After arguing for some time, learned counsel for the petitioner has made a statement so as to withdraw this petition.

[2] Dismissed as withdrawn, as prayed for.”

3. As per the prosecution version emerging from the statement of the complainant Sukhdev Singh, the deceased Rohtash Singh had

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solemnized Court marriage with Suman (deceased) against the wishes of her parents. Apprehending danger, the couple had taken shelter in the house of the complainant at village Ronta. It has been alleged that on 17.10.2021 at about 12.00/12.30 PM, around 16 persons in three vehicles arrived outside the house of the complainant and started knocking the door. When the door was not opened, some of the assailants scaled the wall and forcibly entered the premises. The complainant has further alleged that accused Mohinder Ram, Atma Ram, Naresh Kumar and Mandeep were armed with kirpans and other deadly weapons. These assailants allegedly assaulted the deceased couple, dragged them out of the house, forcibly abducted them in vehicles and fled while issuing threats regarding the love marriage. The complainant has further alleged that he had attempted to chase them but could not succeed. Subsequently, he received the information that the dead bodies of Rohtash Singh and Suman had been thrown in a street in village Sappan Wali, Tehsil Abohar, District Fazilka. On these set of allegations, the FIR in question came to be registered. The petitioner, along with other co-accused, was arrested on 05.11.2021. After completion of investigation, the final report/challan has been presented before the competent Court on 31.01.2022.

4. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no direct role in the alleged offence. Learned counsel has further iterated that the allegations in the FIR primarily attribute a specific and active role to certain co-accused persons who allegedly entered the house of the complainant, assaulted the deceased and abducted them whereas no such

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overt act has been assigned to the petitioner. According to learned counsel, the name of the petitioner has been introduced only on the basis of general allegations of accompanying the main accused without any material to show his presence at the spot or participation in the alleged abduction or murder. It has been further contended that there is no motive whatsoever for the petitioner to commit the alleged offence. Learned counsel has further submitted that the investigation has been completed and challan has already been presented before the competent Court of jurisdiction. According to learned counsel, the petitioner is stated to be in custody since 05.11.2021 and has undergone incarceration for a substantial period of time. Out of the 33 prosecution witnesses cited by the prosecution, only 02 witnesses have been examined till date which reflects that the trial is progressing at a snail's pace. Furthermore, in view of the large number of remaining witnesses, the conclusion of trial is likely to take a considerable amount of time and, therefore, no useful purpose would be served for continued incarceration of the petitioner. Learned counsel has emphasized that the petitioner has clean antecedents and there is no likelihood of his absconding or tampering with the prosecution evidence. Learned counsel has further submitted that the earlier bail petition was dismissed as withdrawn with no adjudication on merits thereof and there has been a material change in circumstances on account of prolonged custody and delay in the trial. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

5. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the present case pertains to a brutal double murder committed in the nature of an honour killing which



has serious repercussions on the Society. Learned State counsel has iterated that the petitioner has been specifically named in the FIR and has attributed a role as a member of the unlawful assembly which, in furtherance of a pre-planned conspiracy, forcibly trespassed into the house of the complainant, abducted the deceased couple in broad daylight and subsequently murdered them. According to learned State counsel, the offence is grave and heinous in nature, punishable with death or imprisonment for life and the manner in which the crime was executed reflects a well-orchestrated conspiracy. It has been further contended that the allegations are supported by the statement of the complainant and other material collected during the course of investigation. In view of the seriousness of the offence, there is a strong likelihood that if released on bail, the petitioner may influence or intimidate the prosecution witnesses, who belong to the same locality and thereby hamper the trial. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.

6. Learned counsel appearing for the complainant has raised submissions in tandem with the learned State counsel and has submitted that the case in hand is a double murder arising out of an honour killing wherein the deceased couple was forcibly abducted from the house of the complainant in broad daylight and subsequently murdered in a planned and coordinated manner. According to learned counsel, in view of the seriousness of the allegations, the manner in which the offence has been committed and the role attributed to the petitioner as part of the unlawful assembly, the petitioner does not deserve the concession of regular bail.



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7. I have heard learned counsel for the rival parties and have perused the available record.

8. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; relevant whereof reads as under:-

9. *The paramount issue, in any plea for grant of regular bail, is the liberty of an individual. Indubitably, within our society and jurisprudence, liberty is a cherished foundational principle and has fundamental ascendancy over all other attributes of social order. Even within the framework of Constitution, this principle is made conspicuous, inter alia, in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C., 1973 is one such procedural law which permits curtailment of liberty of anti-social and anti-national elements. Yet, liberty of an individual, the accused, must not transgress the rights of another individual, the victim, in terms of right to dignified everyday life without any imminent fear or threat. Additionally, the rights of the collective of individuals viz. the State/Society at large, also cannot be neglected. Therefore, while countenancing the facts for considering the bail, the rights of the triad of accused, victim and the State (Society at large) ought to be entailed. Ergo, while considering a bail plea, the Court ought to take into account this core concept(s).*

9.1 *An analytical perusal of Cr.P.C. explicates that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking regular bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions, especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights. The bar contained in Section 362 of Cr.P.C. can, by no stretch of legal imagination, be said to be barring the filing of second/successive regular bail petition.*

9.2 *The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one, later in point of time.*



*Similar is the ratio decidendi of the judgment of Hon'ble Supreme Court in **Kalyan Chandra Sarkar** (supra). Ergo, it can be safely inferred that the decision of a Court qua regular bail petition is essentially an interlocutory order and hence the postulation of res judicata does not apply to its realm.*

9.3 *The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive regular bail petition(s).*

9.4. *The concordant legal position is that the essential pre-requisite for consideration of second/successive regular petition is the material/substantial change in circumstances and factors of alike nature. Indubitably, the further period of incarceration suffered by the petitioner-accused after rejection/withdrawal of first/earlier plea for bail, pace of trial, the witnesses turning hostile or not supporting prosecution case and changed medical condition(s) of accused would be pertinent factor(s). It goes without saying that these factors are only illustrative in nature and cannot by any means be said to be exhaustive.*

9.5 *No rigid or universal criterion can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional or different fact, may cause a sea of difference. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court, in accordance with the settled norms of our jurisprudence.*

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.”

9. The contentions raised by learned counsel for the petitioner were available to the petitioner at the time when the first petitioner for regular bail was dismissed. Thus, as such no fresh substantial change in the circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of regular bail. For maintaining a second petition for bail, it is *sine-qua-non* to bring forth change in circumstances. However, since the first regular bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

10. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating



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the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280*** and ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and*



not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite



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stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

11. The factual matrix of the case, as emerging from the FIR, reflects that the deceased couple, who had solemnized a marriage against the wishes of the family of the girl, has taken shelter in the house of the complainant. On the alleged day of occurrence a group of 15/16 persons arrived in three vehicles, forcibly entered the house by scaling the wall, assaulted the couple, abducted them in broad daylight and later their dead bodies were found thrown in a street of another village. The petitioner is alleged to be a member of an unlawful assembly alongwith the main accused. At this stage, the contention of learned counsel for the petitioner that no specific overt act has been attributed to the petitioner cannot be examined in detail, particularly when the prosecution has invoked the provisions relating to common object and criminal conspiracy.

12. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court the very magnitude and seriousness of the crime, disentitle the petitioner to the discretionary relief of bail. Moreover, the offence alleged is serious in nature, punishable with death or life imprisonment and involves double murder. The gravity of the offence and the manner in which it has been committed are relevant considerations while exercising discretion under Section 483 of BNSS. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a

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compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Furthermore, the apprehension expressed by the State and the complainant that the petitioner may influence the witnesses, who belong to the same locality, also cannot be said to be unfounded particularly when several material witnesses are yet to be examined. The mere fact of prolonged custody cannot, in itself, constitute a ground for bail in cases of such grave and heinous character.

13. In view of the seriousness of the allegations coupled with the nature of evidence, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail.

14. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merits and is hereby dismissed.

(ii) The trial Court is directed to expedite the trial and conclude the same expeditiously preferably within a period of 01 year from the date of receipt/production of this order. The trial Court is further directed to send a progress report to the Registrar General of this Court on every second month.

(iii) The concerned Senior Superintendent of Police is also directed to take all requisite steps for effective progress of the case.



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- (iv) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (v) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 25, 2026
Ajay

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