

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

2026.PHHC.044215



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CRM-M-47251-2024 (O&M)

Date of decision: 20.03.2026

Date of uploading: 20.03.2026

Jagjit Singh @ Jagga

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE SUMEET GOEL

Present :- Mr. Chandra Uday Singh, Advocate, for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

The instant petition is third attempt, which has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case bearing FIR No.77 dated 07.05.2019 under Section 365 of IPC (Sections 302, 201, 120-B of IPC added later on), registered at Police Station Sadar Patti, District Tarn Taran.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Rasal Singh son of Karam Singh, caste Majhbi Sikh, resident of Muthiya Wala, aged about 25 years, Phone 7589253629, stated that I am resident of above said resident and doing the work of labour and we are three brothers, eldest one is Harpal Singh and he is younger to him and youngest one is Manjit Singh and I and Harpal Singh are married and Manjit Singh is still unmarried. Harpal Singh is living separately from the house in a room, I and Manjit Singh are residing with our parents. We have 5 Acre land and near about 4 killa of our land was mortgaged with Lakhwinder Singh son of Darbara Singh, resident of Bandala, Police

Station Arfke, District Ferozepur. We made a talk in family that by selling one killa land, release the remaining mortgaged land from Lakhwinder Singh by giving money to him. My father Karam Singh and brother Manjit Singh had made an agreement to sell the 1 Acre land with Jagir Singh, resident of Tutt wala in a consideration of Rs.11,60,000/- and approximately 6 months earlier, after selling 1 killa land to Jagdeep Singh and receiving Rs.3,00,000/- from him in Courts at Patti had given to Lakhwinder Singh. On 03.05.2014, My father Karam Singh and my brother Manjit Singh alongwith Nambardar Kashmir Singh, resident of Jhugian Nur Mohammad had gone to Tehsil Patti for execution of registry of the land, where my father Karam Singh and brother Manjit Singh had made a registry of sale deed of one killa land in favour of Jagdeep Singh son of Jagir Singh and made a talk to transfer Rs.4,03,000/- in the account of Lakhwinder Singh son of Darbara Singh, resident of Bandala. Thereafter my father Karam Singh and Nambardar Kashmir Singh came back to Kot Budda in the car of Lakhwinder Singh and my brother Manjit Singh was coming back to village on Motorcycle Discover bearing registration No PB46L-7247 and when my father Karam Singh and brother Manjit Singh did not come back then they made a talk with Jagjeet Singh who said that all three of them departed from him at Patti. We asked from Kashmir Singh Nambardar then he said that he and Karam Singh came to Kot Budda on the turn of Patti on the car of Lakhwinder Singh where Karam Singh had boarded off the vehicle and said that we have some work and Lakhwinder Singh Bhandala had gone after boarding him off in the village. Before leaving house, he had taken away photocopy of his Aadhar card and Aadhar card of all three. Thereafter, at about 4.30 phone of my brother Manjit Singh became switched off and till now, my father Karam Singh and brother Manjit Singh are not returned to home. We searched them at our own level in our relatives and other places but we could not find out them and in this regard, I informed you yesterday on 05.05.2019 and today I along with my brother Harpal Singh was going in Police Station to inform you, you met us. I have suspicion that my father Karam Singh and brother Manjit Singh was kidnapped by someone with bad intention. My brother and my father be traced and legal action be taken against accused persons. Statement got recorded, heard and found correct. Sd/- Rasal Singh, above said, Harpal Singh witness, attested by Sd/- Kewal Singh ASI, Police Station Sadar Patti, Dated 07.05.2019. Police proceedings”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 17.05.2019. Learned counsel appearing for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that the petitioner is a man with clean antecedents and has already incarceration for more than 6 years. Thus, regular bail is prayed for.

4. Learned State counsel opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 19.03.2026 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 17.05.2019 and upon culmination of investigation challan was presented on 23.07.2019 Total 38 prosecution witnesses have been cited and out of which 28 have been examined till date. It is not in dispute before this Court that all the prime private witnesses stand examined. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect;

may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.1. Indubitably, the present petition is the third attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-23952-2020 was dismissed on 28.09.2022 (Annexure P-3) whereas the second one bearing CRM-M-45749-2023 was dismissed on 19.10.2023 (Annexure P-4). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of 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.”

7. As per the custody certificate dated 19.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 6 years, 9 months & 24 days and is not shown to be involved in any other FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

20.03.2026
Naveen

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No