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

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**CRM-M No.49193 of 2025
Date of Decision: 27.01.2026**

Sukhpreet Singh @ Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Babneet Singh Advocate,
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab,
for the respondent-State.

Mr. Ajay Sharma, Advocate and
Mr. Amit Sharma, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.73 dated 03.11.2022 registered under Sections 460, 148 and 149 of IPC (Sections 302, 411 and 120-B of IPC added later on) at Police Station Sehna, District Barnala. His previous petition had been dismissed by this Court on 28.03.2025.

2. The petitioner is facing trial for commission of aforementioned offences on the allegations that in pursuance of a

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criminal conspiracy hatched with the co-accused, the petitioner along with them had gone to the house of the complainant on 03.11.2022, he along with accused Satwinder Singh stood guard outside the house of the complainant whereas the co-accused entered therein, looted articles/jewellery of the complainant and killed his wife. The petitioner and the co-accused had made an extra judicial confession on 03.11.2022 before PW-Sukhdev Dass admitting their involvement in the commission of offence of committing burglary in the house of the complainant and killed his wife. The petitioner had been arrested on 05.11.2022.

3. It is argued by learned counsel for the petitioner that ever since the dismissal of the previous petition on 28.03.2025, a period of about ten months has passed but the trial has not progressed much as only 19 out of 32 witnesses have been examined so far. It is submitted that trial will take considerable time. He is in incarceration for a period of almost about three years. No recovery had been effected from him. No injury on the person of the victim was attributed to him. It is argued that his prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. It is, thus urged that he deserves to be released on bail.

4. Status report has been filed. Learned Senior Deputy Advocate General, Punjab assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. PW-Sukhdev Singh in his sworn deposition has categorically deposed that the petitioner along with the co-accused had suffered extra judicial confession before him

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on 03.11.2022 admitting his involvement in the crime. The material witnesses have been examined. Trial may be expedited. There is no substantive or drastic change in the circumstances ever since the dismissal of the previous petition which was dismissed on merit by passing a detailed order. The instant one being successive petition without any change in the circumstances is not maintainable. Even otherwise, no ground has been made out for allowing the petition. It is, thus, stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. So far as the question of maintainability of the second petition for grant of regular bail is concerned, the well settled proposition of law is that such a petition cannot be considered to be not maintainable, however, for a successive petition to succeed, an accused is essentially required to show that there is a substantial and drastic change in the circumstances and showing of a superficial and ostensible change does not suffice. The petitioner is alleged to have stood guard when the co-accused had entered inside the house of the complainant, committed offence of burglary and killed his wife. PW-2 Sukhdev Dass has since been examined. Copy of his sworn deposition is kept on record and shows that he has fully supported the prosecution version to the effect that the petitioner along with the co-accused has suffered extra judicial confession admitting his involvement in the crime. The antecedents of the petitioner are not clean. His previous petition had been dismissed by passing a detailed order. Merely on account of his prolonged incarceration, it cannot be stated that the petitioner has become

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entitled for release on bail since the allegations against him are quite serious in nature. The well settled proposition of law is that prolonged incarceration in cases of heinous crime cannot be considered to be a sole reason for extending benefit of bail. Taking into consideration the above discussed circumstances, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.01.2026
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(MANISHA BATRA)
JUDGE

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