

CRA-S-3284-2025

2026:PHHC:007470



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3284-2025

Karanvir Singh @ Komal Singh

....Appellant

Versus

State of Punjab and another

....Respondents

Date of Decision: January 20, 2026
Date of Uploading: January 20, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Bhupinder Ghai, Advocate for the appellant.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Kanwaljeet Singh Derabassi, Advocate
for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present second appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST Act’) for grant of regular bail to the appellant, in case bearing FIR No.361 dated 17.09.2023, registered for the offences punishable under Sections 302, 34, 120-B of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 3(2)(v) of the SC/ST Act, at Police Station Sohana, District Mohali.

2. The gravamen of the allegations against the appellant is that the complainant, namely, Surinder Singh, stated that his son, namely, Satvir Singh, was driving an Ertiga car bearing registration No.PB-01D-3332.

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Subsequently, the dead body of Satvir Singh was recovered from a canal along with the said vehicle. Multiple injuries were found on the body of the deceased, and his hands were tied. A broken mobile phone of the deceased, make Vivo, was recovered from the car. Additionally, one *kirpan* and one iron rod attached with a chain of a bicycle axle were also recovered from the vehicle. On the basis of these facts, an offence under Section 302 of the Indian Penal Code was made out.

During the course of investigation, the statement of Dharminster Singh was recorded. He stated that on 12.09.2023, he had seen the Ertiga car bearing registration No.PB-01D-3332 being driven by Major Singh, while one person was lying on the rear seat of the said vehicle. He further stated that he also saw another car bearing registration No.PB-01D-0562 being driven by Karanvir Singh (*petitioner herein*), with Kulwinder Kaur sitting beside him on the front seat and a clean-shaven person seated on the rear seat of that car. Subsequently, upon learning about the death of Satvir Singh, Dharminster Singh expressed suspicion that the dead body was lying on the rear seat of the Ertiga car bearing registration No.PB-01D-3332 at the relevant time.

On the basis of the said statement, Major Singh, Kulwinder Kaur, and Karanvir Singh (*petitioner herein*) were nominated as accused in the present case. Their disclosure statements were recorded, the site plan was prepared, and various recoveries were effected during investigation. The collected evidence indicated that all the accused, namely Major Singh, Kulwinder Kaur, and Karanvir Singh (*petitioner herein*), in furtherance of their common intention, committed the murder of Satvir Singh.

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3. Learned counsel for the appellant has iterated that the appellant is in custody since 17.09.2023. Learned counsel has further iterated that the appellant has been falsely implicated into the FIR in question. Learned counsel has further iterated that the case in hand is not one of the eye witness account, but of circumstantial evidence. Learned counsel has argued that prosecution version primarily based upon the statements of Dharminder Singh and Ajaib Singh, who are stated to have witnessed the deceased being taken in the car in question on 12.09.2023, but they have not chosen to report to the police till 17.09.2023. Learned counsel has iterated that thus, the entire prosecution case accordingly, becomes doubtful. Learned counsel has argued that there are total 28 prosecution witnesses and only 06 have been examined fully and 01 has been examined in part till date. Learned counsel has argued that the appellant is a young man having clean antecedents. Learned counsel has further argued that the appellant has suffered incarceration of more than 02 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 19.01.2026, in the Court today, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the appellant by arguing that the allegations against the appellant are serious in nature. Learned counsel has further argued that in case, the appellant is released on bail, there is all the likelihood that the appellant may abscond from the process of justice as also

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intimate the remaining prosecution witnesses. Thus, dismissal of the regular bail to the appellant is entreated for.

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

7. The appellant was arrested on 17.09.2023 whereinafter investigation was carried out and challan was presented on 15.12.2023. Total 28 prosecution witnesses have been cited, 06 have been examined fully and 01 has been examined in part till date as per the admitted case of the rival parties. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions 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 appellant absconding from the process of justice or interfering with the prosecution evidence.

7.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which 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.

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Article 21 of the Constitution applies irrespective of the nature of the crime.

20. *We may hasten to add that the appellant 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.”*

7.2. As per custody certificate dated 19.01.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 02 years, 03 months and 24 days, & is not shown to be involved in any other FIR(s).

7.3. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 12.05.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, in view of the factum of the petitioner having suffered extended incarceration for more than 08 months and pace of trial; this Court is inclined to affirmatively 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 appellant as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail, if not required in any other case, 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 appellant shall remain bound by the following conditions:

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone 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 appellant 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

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State/complainant shall be at liberty to move cancellation of bail of the appellant.

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

January 20, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No