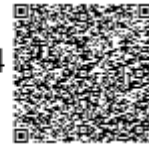


IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:036824



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CRM-M-60115-2025 (O&M)  
Date of decision:10.03.2026

Ravi

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Arshad Ali, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

**Manisha Batra, J. (Oral).**

**CRM-7775-2026:**

Application is allowed subject to all just exceptions and the documents annexed with the same are ordered to be taken on record as Annexures P-5 to P-7 respectively.

**Main case:**

1. The instant one is the second petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.9, dated 10.02.2023, registered under Sections 302 and 34 IPC (Sections 397, 201, 379-B, 396 and 411 IPC were added lateron and Section 411 IPC was deleted subsequently), at Police Station Division No.3, Police Commissionerate, Jalandhar. His previous petition bearing No.CRM-M-

1797-2025 had been dismissed by this Court vide order dated 25.03.2025.

2. The petitioner along with co-accused are facing trial for commission of the aforementioned offences on the allegations that on 09.02.2023, they had intercepted the victim Parveen Shukla, Ram Pyare and complainant – Lallu when they were coming from Railway Station Jalandhar, had struck blows with a knife in the abdomen and chest of victim/Parveen Shukla, thereby causing his homicidal death and had snatched his cloth bag and cash amount of Rs.300/- from his pocket. The petitioner and co-accused were arrested on the basis of secret information on 11.02.2023. The previous petition as filed by the petitioner had been dismissed by this Court vide order dated 25.03.2025 by making following observations:

*“The petitioner along with the co-accused is alleged to have intercepted the complainant and the victim on the night of 09.02.2023. They are further alleged to have an altercation with the victims and robbed them. As per the allegations, two of the co-accused had assaulted the victim by striking blows with knives leading to death of victim Parveen, whereas the petitioner stood guard at that time. His complicity in the commission of offence of murder and dacoity is prima facie made out from the allegations. Taking into consideration the gravity of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”*

3. It is argued by learned counsel for the petitioner that after

dismissal of his previous petition, a period of almost 01 year has lapsed. He has otherwise been in custody for a period of more than 03 years and the trial has not progressed much as only 04 prosecution witnesses have been examined so far. Co-accused Murali @ Babbu has been extended benefit of bail. No injury has been attributed to him. He was not named in the FIR. Each day spent by him in custody furnishes a new ground for seeking bail afresh. No useful purpose would be served by his further detention. His prolonged incarceration militates against his fundamental right enshrined under Article 21 of the Constitution of India. It is, thus, argued that he deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that instant one is the second/successive petition for grant of bail filed by the petitioner and is not maintainable. The previous petition as filed by him had been dismissed by passing a detailed order. There is no substantive or drastic change in the circumstances. Only 04 prosecution witnesses remain to be examined, 04 have been given up by the Public Prosecutor and 04 already stands examined and as such it cannot be stated that there would be any undue delay in conclusion of the trial. Co-accused Murali @ Babbu was not on similar footings. He had simply done reccee to facilitate the commission of offence of dacoity and murder. With these broad submissions, it is argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make

successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed.

7. The petitioner along with co-accused is alleged to have caused homicidal death of victim/Parveen Shukla while committing offence of dacoity by taking his belongings from him on the fateful night. Learned counsel for the petitioner has placed on record Annexures P-5 and P-6, photocopies of sworn depositions of the complainant – Lallu, who had appeared before the learned trial Court as PW5 and PW2 Dinesh Shukla brother of deceased Parveen Shukla. PW2 Dinesh Shukla has stated that he was not present at the time of occurrence and admitted that he did not know the assailants. PW5 Lallu is shown to have identified the petitioner and have supported the prosecution version. The allegations against the petitioner are serious in nature. It cannot be stated that the trial is not going at a proper pace since only 04 witnesses remain to be examined now. Simply because of the fact that after dismissal of the previous petition as filed by the petitioner, some more time has been elapsed, the petitioner cannot claim to be released on bail as a matter of right. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is

serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*.

8. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

10.03.2026

harjeet

(MANISHA BATRA)  
JUDGE

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