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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Mohit Verma

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 25.02.2026**Date of Uploading : 26.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Tanvir Singh Attariwala, Advocate for the petitioner.
Mr. Hemant Aggarwal, DAG Punjab.
Mr. Gurcharan Dass, Advocate and
Mr. Bhirgu Dutt Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.22 dated 15.02.2024, registered for the offences punishable under Sections 307, 506, 34 & 120-B IPC and Sections 473, 201 of IPC (added later on) and Section 25/27/54/59 of the Arms Act at Police Station Dugri, Ludhiana, Punjab.

The petitioner has earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 18.02.2025. The relevant part of said order reads as under:-

“ Learned counsel for the petitioner seeks to withdrawal of the present petition at this stage with liberty to file the same afresh with better particulars.

2. Dismissed as withdrawn at this stage with aforesaid liberty.



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3. *Pending application(s), if any, also stands disposed of.”*

Thereafter, the present petition i.e. the second petition for grant of regular bail, has been preferred by the petitioner on 11.11.2025.

2. The gravamen of the FIR reflects that the complainant namely Sukhmeet Singh Bhatia, an Advocate by profession, alleged that on 14.02.2024 at about 4:25 PM while he was returning home along with his minor nephew in his car, a white Nissan Magnite vehicle started following him. It has been alleged that the occupants of the said vehicle had intentionally brought their car in close proximity to the car of the complainant and thereafter when the complainant reached near Chik-Chik Chowk, one of the assailants sitting on the front passenger seat took out a pistol and fired multiple shots at him. It has been further alleged that one shot allegedly struck the complainant just below the right ear while two other shots hit the right side of his body. During the entire incident, the front glass of the car of the complainant was shattered and the complainant somehow managed to escape from the spot while the assailants continued firing and raised a *lalkara* that he was being taught a lesson today. It has been further alleged that the motive, as disclosed in the FIR, is on account of the matrimonial dispute between the complainant and his wife, whose brothers and relatives had allegedly extended threats to the complainant on earlier occasions also. On these set of allegations, the FIR in question was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question only because he is related to the estranged wife of the complainant. Learned counsel has

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further iterated that petitioner was not named in the FIR, no specific role of firing was attributed to him initially and his name has been introduced later as an afterthought. It has been further submitted that there is delay of approximately 31 hours in registration of the FIR which reflects that the prosecution version is an afterthought and suffers from material improvements. Learned counsel has further contended that the medical record shows that only one injury has been declared grievous and none has been opined to be dangerous to life. Learned counsel has further contended that the identification of the petitioner is doubtful as no proper test identification parade was conducted and only the petitioner was shown to the complainant while in custody. Furthermore, there are material contradictions in the testimony of the complainant regarding the role of the petitioner. According to learned counsel, the petitioner was in custody since 25.02.2024 and the trial has not made any substantial progress. Although the challan has been presented and as many as 20 prosecution witnesses have been cited and 06 have been examined till date. Learned counsel has further submitted that since the conclusion of trial is likely to take considerable time, thus, no useful purpose would be served for continued incarceration of the petitioner. Furthermore, it has been contended that the petitioner is a young man, has clean antecedents and is not involved in any other criminal case. He shall undertake to abide by all conditions that may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.



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4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that case in hand pertains to a heinous and premeditated attempt to commit murder carried out in broad daylight on a public road by using a firearm. According to learned State counsel, the manner in which the complainant was chased, intercepted and repeatedly fired upon clearly reflects the brutal and organised nature of the crime. Learned State counsel has iterated that the role of the petitioner is not merely on account of relationship but is specific and active. During the course of investigation, the petitioner was nominated on the basis of statements of co-accused and other material. According to learned State counsel, the petitioner, during custodial interrogation, made a disclosure statement which led to the recovery of a country-made pistol of .32 bore used in the occurrence and also led to the recovery of the vehicle used in the crime bearing a fake registration number plate. Furthermore, illegal firearms and ammunition were recovered from co-accused persons which are stated to be connected with the petitioner. Reliance has also been placed upon the extra-judicial confession, call detail records and money trail showing transfer of funds among the accused persons on the date of occurrence. It has been contended that the petitioner was present in the offending vehicle, was armed with a firearm and participated in the firing and thereafter attempted to conceal the weapon which shows his active participation in the conspiracy and the offence. Furthermore, the gravity of the offence is further aggravated by the fact that the complainant sustained firearm injuries on vital parts of the body and his minor nephew was also present in the vehicle at the time of the occurrence. Learned State counsel has emphasized

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that the trial is at a crucial stage and material prosecution witnesses are yet to be examined. In view of the previous hostility between the parties, there is a strong likelihood that the petitioner, if released on bail, may influence or intimidate the witnesses. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

4.1. Learned counsel appearing for the complainant has vociferously opposed the grant of regular bail to the petitioner and has raised submissions in tandem with the learned State counsel. Learned counsel have iterated that prior to the occurrence, the complainant and his family were repeatedly threatened by the co-accused persons that they could get him killed. According to learned counsel, the assailants has chased the vehicle of the complainant, intercepted him and fired multiple gunshots aimed at vital parts of his body which shows a clear intention to commit murder. Furthermore, the role of the petitioner is not that of a mere bystander but he is specific, active and played a crucial role in the execution of the crime as he is one of the principal conspirators who, in furtherance of a well hatched criminal conspiracy arising out of matrimonial dispute, not only participated in the planning and execution but was also present at the spot armed with a firearm thereby sharing the common intention to commit murder. In view of the previous threats and the nature of the allegations, there is a genuine apprehension that if the petitioner is released on bail, he may try to influence or intimidate the complainant and other prosecution witnesses, thereby hampering the fair trial. On these grounds, learned counsel have prayed for the dismissal of the petition in hand.



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

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory 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 anticipatory 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.

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. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory 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.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution



or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a second petition for grant of regular bail by the petitioner. A second regular bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 18.02.2025. The instant petition i.e. second petition for grant of regular bail has been filed thereafter on 11.11.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of regular bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second regular bail petition. 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.

8. 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



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evaluate factors such as the existence of *prima facie* evidence implicating 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



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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 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.”

9. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* suggests that the petitioner specially attributed an active role in the occurrence. The allegations in the FIR disclose a pre-meditated and targeted attack upon the complainant. The manner in which the complainant was chased on a public road, the use of a firearm and the firing of multiple shots aimed at vital parts of the body clearly demonstrate an intention to cause death. The incident has taken place in a public area in a broad daylight, thereby endangering not only the life of the complainant and his minor nephew but also that of other road users. The seriousness of the allegations is further aggravated by the element of conspiracy emerging from the matrimonial discord and prior threats. At this stage, it cannot be said that the role attributed to the petitioner is insignificant. The prosecution case specifically alleges that the involvement of the petitioner surfaced during investigation on the basis of material collected subsequently. Furthermore, the petitioner was travelling in the offending vehicle alongwith co-accused and was armed with a country made pistol thereby sharing the common intention to commit murder. The disclosure statement attributed to the petitioner led to the recovery of the weapon of offence and the vehicle used



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connecting him with the commission of crime. In the considered opinion of this Court though the petitioner was not named in the FIR and no specific act of firing is attributed to him in the initial version but in cases of criminal conspiracy the role of each accused is to be gathered from the cumulative material collected during the course of investigation. The argument that no weapon has been recovered from the petitioner does not dilute the allegation of conspiracy and is to be inferred from the surrounding circumstances.

10. The contention regarding prolonged custody of the petitioner has not persuaded this Court. In the considered opinion of this Court, the mere prolonged custody or completion of investigation does not entitle an accused to bail as a matter of right, particularly in cases involving offences punishable under Section 307 IPC read with Section 120-B IPC and the Arms Act, where the allegations reflect a concerted and organised attempt to eliminate the complainant. The possibility of the petitioner influencing the prosecution witnesses, many of whom are likely to be known to the parties due to the underlying matrimonial dispute, also cannot be brushed aside. The nature of the injuries suffered by the complainant, the use of a firearm, the alleged prior threats and the financial role attributed to the petitioner in the conspiracy cumulatively indicate that the accusations are grave and supported by *prima facie* material. At this stage, this Court is not expected to meticulously examine the evidence. The material on record does not persuade this Court to hold that releasing the petitioner on bail at this juncture may adversely affect the progress of the trial.

11. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of



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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. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a 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. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly in light of his previous conduct of evading trial and being declared a proclaimed person.

12. Considering the gravity of the offence, the specific role attributed to the petitioner in facilitating the conspiracy and the likelihood of his influencing the prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

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

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

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency



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as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) 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