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

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**CRM-M No.63880 of 2025
Date of Decision: 21.01.2026**

Gurvinder Singh @ Lalli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mrs. Kiran Bala Jain, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

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.140 dated 20.04.2024 registered under Sections 346, 302, 201 and 120-B of IPC at Police Station Ambala City, District Ambala. His previous petition had been dismissed by this Court on 08.09.2025 by making the following observations:-

"6. The well settled proposition of law is that the Court, while considering a petition for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are

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peculiar to the accusation; likelihood of the offence being repeated; the nature and gravity of the acquisition; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened, etc. In the instant case, the allegations against the petitioner are that he as well as the victim used to consume drugs. They were friends. In the morning of 18.04.2024, they met each other and had consumed heroin/*chitta*. The petitioner, with an intent to rob the victim of his car, had planned his murder and had made him consume excessive quantity of heroin/*chitta* and after taking him near Ghel Road, Ambala had strangulated him to death with a wire when he was highly intoxicated. Then, with intention to cause disappearance of evidence of his death, he had thrown his dead body in the bushes of the bank of SYL Canal towards Ismailpur. He had switched off the mobile phone of the victim and had taken his car as well as cellphone and thereafter, he had given his car to co-accused Manish @ Ankit. The remains of the dead body of the victim as well as his clothing were recovered at the instance of the accused in pursuance of his disclosure statement. The scientific evidence in the form of call details record that has been collected the by the SIT during the course of investigation, has showed the location of phones of the victim as well as the petitioner at the same place. Not even this, the location of phone of the petitioner was also shown at the same place on 18.04.2024, from where the remains of bones and clothing, etc. of the deceased were recovered. The allegations against the petitioner are quite serious in nature. Merely because of the fact that there is prolonged incarceration, he cannot be extended benefit of bail. It is well settled that the prolonged incarceration, by itself, cannot be treated as a ground to enlarge an accused on bail in

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cases involving heinous offences such as murder. The gravity of the charge and its bearing on the society at large must prevail over the mere passage of time in custody. Keeping in view the gravity of the allegations as level against the petitioner, severity of the punishment and the attendant facts and circumstances, I am of the considered opinion that the petitioner does not deserve extended benefit of bail. Accordingly, the petition is dismissed.”

2. It is argued by learned counsel for the petitioner that after the dismissal of the previous petition, the petitioner has undergone custody of more than four months. The trial has not progressed much further and the same has furnished a ground to the petitioner to seek his bail afresh. He is in custody since 27.04.2024. The co-accused Manish has been extended benefit of regular bail. His case is at parity and as such he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

3. Status report and custody certificate have been filed. Learned Deputy Advocate General, Haryana has argued that the petition is not maintainable being successive petition, the previous one having been dismissed on 08.09.2025 and by passing a detailed order. There is no drastic or substantive change in the circumstances. Merely prolonged incarceration of the petitioner cannot be considered to be a reason for grant of bail to the petitioner in a case like the present one where very serious allegations have been levelled against the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

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5. 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. While deciding the previous petition as filed by the petitioner, the role played by the co-accused Manish @ Ankit (who has been extended benefit of bail) was also discussed and the case of petitioner was not found to be at parity with him for the purpose of extending benefit of bail to him. As such, only change in the circumstances that can be claimed by the petitioner is his further custody for a period of more than four months. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground 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)***. Taking into consideration the nature of the allegations levelled against the petitioner, the part played by him, this Court is of the considered opinion that merely on account of his extended custody, the petitioner does not deserve to be given benefit of regular bail as it cannot be stated to be a drastic change.

Accordingly, the petition is dismissed.

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

21.01.2026
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(MANISHA BATRA)
JUDGE

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