

2026:PHHC:013380



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

245

**CRM-M No.64521 of 2025
Date of Decision: 29.01.2026**

Jarnail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.B.S. Goraya, Advocate,
Mr. S.S. Bhullar, Advocate and
Mr. S.P.S. Sandhu, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
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") for grant of regular bail in FIR bearing No.30 dated 21.04.2019 registered under Sections 302 and 201 read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Valtaha, District Tarn Taran, on the basis of statement recorded by the complainant Nishan Singh alleging that the petitioner in connivance with his family members had murdered his nephew Malkit Singh on the night of 20.04.2019. The previous petition as filed by the petitioner had been

2026:PHHC:013380



dismissed by this Court by making the following observations:-

“The petitioner had admittedly caused the death of the victim. The petitioner is invoking right of private defence before this Court. However, on a perusal of order dated 14.08.2024 passed by the Court of learned Additional Sessions Judge, Tarn Taran on the bail application as filed by the petitioner, it is revealed that no such plea that the victim had criminally trespassed into his house with a weapon and had tried to kidnap his daughter had been taken by the petitioner. Allegations against him are quite serious in nature. The dead body of the victim has been recovered from his house. The plea as set up by the petitioner has to be considered and analyzed by the learned trial Court on the basis of evidence to be adduced at the trial and not at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, it is held that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.”

2. The main thrust of the argument as raised by learned counsel for the petitioner is that the petitioner is in prolonged incarceration continuously since 28.04.2019 and this incarceration itself is a ground for seeking bail afresh since there are no chances of conclusion of trial in near future reason being that only seven witnesses have been examined so far. It

is, thus argued that the petition deserves to be allowed.

2026:PHHC:013380



3. Per contra, learned Assistant Advocate General, Punjab while placing on record status report and custody certificate has argued that the allegations against the petitioner are serious in nature and the gravity thereof is sufficient to decline bail to the petitioner. There is no substantive change in the circumstances ever since the date of dismissal of his previous petition. As such, this petition being successive one is not maintainable. Hence, it is stressed that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. There are bleak chances of conclusion of trial in near future as only 07 out of 17 witnesses have been examined so far. The petitioner is in custody for a period of six years and about nine months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right

2026:PHHC:013380



guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

2026:PHHC:013380



6.

In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.
7.

It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.01.2026
manju

(MANISHA BATRA)
JUDGE

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