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

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**CRM-M No.65151 of 2025
Date of Decision: 23.03.2026**

Ram Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Digvijay Nagpal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. P.B.S. Goraya, Advocate and
Mr. S.S. Bhullar, Advocate,
for the complainant.

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.20 dated 21.03.2024 under Section 302 read with Section 34 of IPC

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(initially registered under Sections 302, 148 and 149 of IPC) at Police Station Sadar Patti, District Tarn Taran. His previous petition bearing CRM-M-44270-2024 was dismissed by this Court vide order dated 07.11.2024.

2. The petitioner has been booked in and is facing trial for commission of aforementioned offences on the allegations that on 21.03.2024, he along with the co-accused Piara Singh and Gurdas Singh had assaulted the brother of the complainant by striking blows with sticks whereas the co-accused Gurdas Singh had struck a blow with datar on the head of brother of the complainant and had caused injuries to him. He was rushed to hospital but succumbed to the injuries. The previous petition as filed by the petitioner had been dismissed by making the following observations:-

6. The petitioner along with the co-accused is alleged to have opened assault upon the victim Gurdial Singh and to have caused injuries to him. Though the blow which had been opined to be fatal and which was given on the person of the victim has not been specifically attributed to the petitioner but there are specific allegations that the petitioner had extended beatings to the victim with sticks. The trial has commenced and the record does not show that there would be any delay in conclusion of the same. The material witnesses are yet to be examined. The apprehension that the petitioner might intimidate the material witnesses if extended benefit of bail cannot be stated to be unfounded at this stage. Keeping in view the gravity of the allegations as levelled against the

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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, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version since on his complaint, a cross case bearing GDR No.39 dated 21.03.2024 has been registered as against the members of the complainant party. The petitioner was infact present in his house at the time of occurrence and was not present at the spot. Some persons named in the FIR were found to be innocent and one of them has been summoned under Section 319 of Criminal Procedure Code. Thereafter, de novo trial has started and even charges have not been framed. As such, there are no chances of conclusion of trial in near future. The injury which was opined to be fatal and resulted into death of the victim has not been attributed to him but to the co-accused Gurdas Singh. He is alleged to have given a dang blow only. He is in custody for a period of about 02 years. His prolonged incarceration militates against his fundamental right of personal liberty as enshrined in the Constitution of India. Each day spent by him in custody has furnished a new ground to seek concession of bail. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Punjab assisted

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by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature as in connivance with the co-accused and while being armed with a dang, he had assaulted the victim which resulted into his homicidal death. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. There is no material change in the circumstances. This successive petition is not maintainable. With these broad submissions, it is argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim who had died. The petitioner was allegedly armed with a dang. The victim had sustained injuries on his temporal bone as well as on parietal and occipital area of scalp. The death had occurred due to haemorrhage and shock due to the impact of these injuries which as per the postmortem examination report have been opined to be sufficient to cause death in the ordinary course of nature. The allegations against the petitioner are obviously serious in nature. He was not only named in the FIR but the recovery of the dead body of the victim was effected from his house only. Undoubtedly, on account of filing of application for summoning of additional accused and due to allowing of the same, de novo trial has started which will obviously take time and the petitioner has remained in custody for a period of about two years by now. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow

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the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law 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)***. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.



shall not be construed as an expression of opinion on the merits of the case
and shall not influence the outcome of the trial.

23.03.2026
manju

(MANISHA BATRA)
JUDGE

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