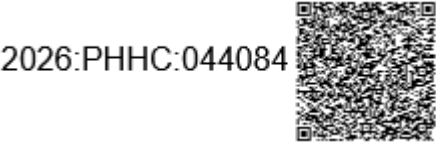


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-69840-2025 (O&M)

Dewinder Singh @ Minta @ Davinder Singh @ Davinder Singh Dhaliwal
... Petitioner

Vs.

State of Punjab ... Respondent

1.	The date when the judgment is reserved	16.03.2026
2.	The date when the judgment is pronounced	20.03.2026
3.	The date when the judgment is uploaded on the website	20.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shilesh Gupta, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Chandan Singh Rana, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

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.146, dated 03.12.2024, registered under Sections 109, 127(1) of the BNS and Sections

25 and 27 of the Arms Act, at Police Station Bhogpur, District Jalandhar Rural. The first petition bearing CRM-M-31953-2025 as filed by the petitioner has been dismissed as withdrawn vide order dated 30.07.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Ninder Kaur, alleging that on the night of 02.12.2024, the petitioner was going towards his house in his tractor trolley whereas the husband of the complainant was going towards his house from the opposite direction while driving his jeep. When her husband reached near the house of the petitioner, he suddenly gave a diagonal turn to his vehicle thereby blocking the entire path and started abusing the husband of the complainant. On resistance of her husband, he took out a pistol and fired three shots with an intent to kill him. The bullets hit in the chest of her husband. He raised clamour, on hearing which, her uncle Joginder Singh reached at the spot and the injured was rushed to the hospital.

3. After registration of the FIR, investigation proceedings were initiated. On the same day, an information was received that the petitioner had also sustained injuries in the same occurrence and had been discharged from the hospital. The petitioner was arrested on 04.12.2024. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, it is case of version and cross-version and a cross DDR No.43 dated 03.12.2024 has been got registered as against the members of the complainant party. It is a case of political rivalry between two groups. The members of the complainant party had initiated the occurrence under the influence of liquor, had used criminal force, made an

attempt to snatch his licensed weapon, resulting into accidental gun shot injury by Talwinder Singh. Infact, the petitioner himself was assaulted by the members of the complainant party and had sustained injury on his forehead and right finger. Then on the intervening night of 20/21.01.2025, Amarjit Singh brother of the petitioner had been assaulted by Talwinder Singh and FIR had been registered in this regard. The petitioner has been in custody for a period of over 01 year and 03 months. He is not required for further investigation. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He is not involved in any other case of similar nature. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, argued that he deserves to be extended the benefit of bail.

5. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has argued that the antecedents of the petitioner are not clean as he is involved in two more cases, one of which had been registered under Section 324(5) of the BNS and the other under Section 138 of the Negotiable Instruments Act. The allegations against the petitioner are serious in nature. There are chances of his absconding or committing similar offences if extended benefit of bail. The injuries sustained by the victim at his hands were opined to be serious in nature. It is further argued that the instant one being the second/successive petition as filed by the petitioner and there being no substantive or drastic change in the circumstances, is not even maintainable. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned

counsel for the parties.

7. 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 by Hon'ble Supreme Court.

8. The petitioner is alleged to have caused firearm injuries to the victim, thereby making attempt to kill him. The allegations make out a *prima facie* case for commission of subject offences against him. However, he remained in custody for a period of 01 year, 03 months and 10 days. 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 right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law

that prolonged incarceration generally militates against the most precious fundamental right 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 detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

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

20.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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