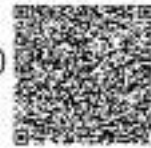


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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CRM-M-73973-2025

Date of decision: 26th February, 2026

Karan MJ @ Karn

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 96 dated 13.08.2022 registered under Sections 302, 307, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Cantt. Ferozepur, District Ferozepur. His previous petition had been dismissed vide order dated 27.11.2024.

2. The petitioner is booked for and is facing trial for commission of aforementioned offences on the allegations that on the night of 12.08.2022, he along with the co-accused had come outside the house of the victim-Khushi. The petitioner fired a shot with a pistol that hit chest of Khushi and proved

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fatal. Co-accused Mohit had also fired some shots towards Harsh and Dev with an intent to kill them, but they had managed to save themselves.

3. It is argued by learned counsel for the petitioner that he has been in custody for over a period of 03 years and 05 months. His previous petition had been dismissed one year and three months back. There has not been much progress in the trial as only 01 out of 25 prosecution witnesses has been examined so far. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India. It is, thus, argued that he deserves to be released on bail.

4. Status report, custody certificate and photocopy of FSL report have been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner, who along with the co-accused had come outside the house of the victim and had fired shots. He is a habitual offender being involved in other cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused Mohit is alleged to have come outside the house of the victim and to have fired shots with pistol with intent to kill Harsh and Dev. The shot fired by the petitioner had hit the victim Khushi leading to her instantaneous death. As per the FSL report, the country

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made pistol which was used at the time of occurrence by the petitioner and had been recovered at the instance of the petitioner, was tested and the cartridge fired from the said pistol had matched with the same. The eye-witness Kamini, who is mother of the victim Khushi has since been examined and learned counsel for the petitioner has very fairly conceded that she has supported the prosecution version. The allegations against the petitioner are serious in nature. His previous petition had been dismissed by passing a detailed order. This is a successive/second petition. It is well settled proposition of law that for a successive regular petition to succeed, the petitioner must show some substantial change in the circumstance. Showing of a mere superficial or ostensible change would not suffice. Lucid and cogent reasons are required to be recorded for granting such plea. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds 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)***. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case,

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

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

26th February, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |