



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

229

CRM-M No. 74039 of 2025
Date of decision : 27.01.2026
Date of uploading : 27.01.2026

Hargun @ Hargunpreet SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prince Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 2nd petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.53 dated 01.05.2025 under Sections 109/304/126/3(5) of BNS, 2023 (Sections 307/379/339/34 of IPC and Sections 25 of Arms Act, 1959 and Section 238 of BNS added later on), registered at Police Station Bhikhiwind, Tehsil & District Tarn Taran.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Gurlal Singh son of Harpal Singh resident of Bhai Ladhu police station Sadar Patti age 18/19 years mobile number 96468-26050 stated that I am a resident of the above address and do agricultural work and we are 2 brothers one me and the another one is Yuvraj Singh and on date 30.04.2025 at around 09.00 pm that I along with my friend Rajan Singh son of Ranjit Singh resident of Bhagwanpura were returning to the village on Rajan Singh's motorcycle Splendor after playing kabaddi at Gharyala and I rang up my



brother Yuvraj Singh to drop Rajan at home and the three of us were going on the way saw Hargun Singh son of Gurvinder Singh, Joban Singh son of Hardev Singh resident of Wada Sher Singh and Harman Singh son of Surinder Singh resident of Algo Kalan who all three were standing on the bridge of Kalsia Kalan with their motorcycles whom we knew being of nearby village, who were armed with sickle (Daatar) and hatchet (takua) from which Hargun Singh held a sickle on me and forcibly took out my mobile I-Phone X which had my SIM Airtel number 78375-81898 from my pocket and in the meanwhile a light of a motorcycle hit from the opposite side and I shouted that the people had attacked on us and we saw that Gurvinder Singh son of Bawa Singh resident of Bhai Ladhu, was on that motorcycle who said that these people had earlier tried to attack me, but I rescued myself by speeding motorcycle. In the meanwhile a car was coming from Algo kothi's side. Vehicle's lights were flashing. Then Hargun Singh, Joban Singh, Harman Singh ran towards Kalsia Kalan on their motorcycles. Due to the chaos and darkness, we could not find out the number and make of the motorcycle and the car whose lights were flashing was Swift, white in color, number PB46AG4915, was being driven by Kulwinder Singh son of Amarjit Singh resident of Bhai Ladhu. We told Kulwinder Singh the whole story. Then, me and Rajan Singh sat on his motorcycle Splendor. The rest of the three, Yuvraj Singh, Kulwinder Singh, Gurwinder Singh, followed the three accused, Hargun Singh, Joban Singh, and Harman Singh on swift car. While chasing them, we reached the place where the shopkeepers had a sand and gravel dump near the Guru Nanak Cement Store, Kalsia Kalan, where their motorcycle got stuck in the sand. Their motorcycle stopped there. I took the mobile phone they had stolen from me and we tussled with them. During the tussle, Hargun Singh snatched the 32 bore licensed pistol of Kulwinder Singh from his waist and fired a shot with it, which hit Yuvraj Singh on the right side of his chest. The bullet passed through the body. We all got preplexed. Taking advantage of the opportunity, these three accused threw away the 32 bore pistol of Kulwinder Singh and fled from there on their motorcycle. We arranged for a conveyance I admitted my brother Yuvraj Singh to Anand Hospital, Bhikhiwind, where same night he was referred to Amandeep Hospital, Amritsar. Today I was coming to report you and you met us. I am the claimant, legal action should be taken. Correct / Gurlal Singh said, verified by SD/ Manoj Kumar INSP SHO, Police Station Bhikhiwind dated 01.05.2025 Action Police:- Today, I INSP/SHO along with ASI Jaspal Singh 1706/TT, S/CT Kulbir Singh No. 472/TT were present at the police station and Gurlal Singh son of Harpal Singh resident of Bhai Ladhu Police Station Sadar Patti came to the police station and got recorded his statement, which was read over and explained to him, after admitting it correct he signed in Punjabi. which was verified by me. As per the statement the offence under Section 109/304/126/3(5) BNS, and 25/54/59 Arms Act is found. The statement was handed over to MHC for registration of a case, a case may be registered and the case number may be informed and the control room may be informed. Special report may be issued and sent to the service of the officers and the Ilaqa Magistrate. I, INSP/SHO along with ASI Jaspal Singh 1706/TT, S/CT



Kulbir Singh No. 472/TT, PHG Hardeep Singh 4551, PHG Major Singh 4508, including complainant on a government vehicle, Scorpio No. PB65BG6149 going to place of occurrence. Today, Bhikhiwind Police Station Time:-11.15 PM SD/- Manoj Kumar INSP SHO Bhikhiwind Police Station Date 01.05.2025. ”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.05.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that prime prosecution witness namely Yuvraj Singh (who is also injured) has turned hostile, and thus the trial is not culminate into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has filed short reply by way of affidavit of 24.01.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.01.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 02.05.2025 wherein after investigation was carried out and challan stands presented on 24.07.2025. Total 24 prosecution witnesses have been cited and only 5 have been examined till date. The prime prosecution witness/injured namely Yuvraj Singh has turned hostile in his testimony recorded before the trial Court on 12.12.2025. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to



debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 04.11.2025. Keeping in view the entirety of the factual *milieu* of the case in hand; especially extended incarceration of the petitioner; hostile testimony of prime prosecution witness namely Yuvraj Singh (injured) (when examined on 12.12.2025), pace of trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this



issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

6.2 As per custody certificate dated 26.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 21 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed

hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)

JUDGE

27.01.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No