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2025:PHHC:128667



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

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Date of decision: September 17, 2025

Inderjit Singh alias Rohit

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Suresh Kumar Arya, Advocate and
Mr. Prince Sharma, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.200 dated 02.10.2023, registered for offences punishable under Sections 379/ 323/ 34 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 379-B/ 201/ 411 of IPC added and Section 379 of IPC deleted later on), at Police Station Chheharta, Tehsil and District Amritsar (Police Commissionerate Amritsar), Punjab.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Prabhjot Singh alleged that he is employed at Atlatis Hospital and, on 18.09.2023, after completing his duty, he was returning home. When he reached near his residence, Sahil @ Chander, Rohit, Kishan,

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and Munna Pari were present there. On seeing him, they began abusing him. At this stage, his father, namely, Kuldeep Singh and mother came out of the house to rescue him. The accused persons then attacked them with *dandas* and *karras*, causing injuries. Both the complainant and his father sustained head injuries inflicted with *karras* carried by the accused. The motive for the assault, as alleged, was that the accused were habitual consumers of intoxicants, and the complainant had objected to their indulgence. During the scuffle, the aforesaid accused also took away the complainant's Redmi 5G mobile phone and ₹10,000/- from his pocket. During investigation, the complainant submitted a supplementary statement, specifying that accused Krishan Singh and Sahil Singh had caught hold of him by his arms, while Inderjit Singh @ Rohit (petitioner herein) removed his Redmi 5G mobile phone and ₹10,000/- from his trouser pocket, and thereafter the accused fled from the spot with their respective weapons.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 05.10.2023. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there was an impending dispute between the petitioner side and complainant side, on account of which the petitioner has been roped into the FIR in question. Learned counsel has also iterated that the petitioner has suffered incarceration of about 02 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed the custody certificate date 16.09.2025 as also the short reply by way of an affidavit dated 16.09.2025 of Shivdarshan Singh, PPS, Assistant Commissioner of Police, West, Amritsar

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in the Court today, which are taken on record. Raising submissions in tandem with the aforesaid short reply, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail.

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

6. The petitioner was arrested on 05.10.2023, whereinafter investigation was carried out and the challan has been presented on 01.12.2023. Total 13 prosecution witnesses have been cited, out of which, 04 have been fully examined and 02 have been examined in part till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar 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 second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 18.04.2024. However, keeping in view extended incarceration of the petitioner for a period of more than 01 year and no substantial progress in trial, this Court is inclined to affirmatively 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

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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 16.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 11 months and 07 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed

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upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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

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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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 17, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No