



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

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CRM-M No.36494 of 2025 (O &amp; M)

Date of decision : 20.8.2025

**Lakhvir Singh @ Lakha**

.....Petitioner

**Versus****State of Punjab**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sandeep Gahlawat, Advocate and  
Ms. Amandeep Kaur, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.28 dated 4.2.2020, under Sections 302, 382, 483, 201 and 34 of the IPC and Section 25 of Arms Act, 1959, registered at Police Station Lehra, District Sangrur.

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

*'Copy of Statement of Daljit Singh S/o Joga Singh R/o Village Hariayu, P.S. Lehra, aged about 29 years, mobile phone No. 95922-92401. Stated that I am resident of abovesaid address and running a cloth shop in Lehra. My elder sister namely Gurpreet Kaur got married with Jagmohan Singh @ Mohni S/o Bhagwant Singh R/o Ward No.10, Lehra in the year 2012. On 03.02.2020 at about 5/6 A.M., my brother-in-law Jagmohan Singh @ Mohni working went to Bhuna, District Fatehabad, Haryana in his 1-20*



*car bearing No. PB-75-1440 to bring the medicine of his mother as he earlier also used to bring medicine from there. When he did not come to home till late night and we could not make contact with him on his mobile phone. Then, I along with my father Joga Singh S/o Darshan Singh, Rajbir Singh S/o Palwinder Singh R/o Hariyau, Jasvir Singh S/o Gurnam Singh R/o Ward No.10, Lehra went towards Jakhal, Haryana side in a car. Today on 04.02.2020 at about 12.15 A.M., we saw the some public gathering before the Talwara Railway Barricade at T Point on Guru Nanak Nagar, Chudal Kalan opposite Punjab alcohol shop. The electricity bulb were glowing there and we went closer then a dead body of young man covered in blood was laying on the ground and huge amount of blood was also on the ground near the dead body. When we tried to identify the body then the same was found to be dead body of my brother-in-law Jagmohan Singh @ Mohni aged about 30/32 years. When we checked the dead body thoroughly then there seems to be head injury and blood was oozing out of head and ear. Bullet marks were also seen on the back. We think that he was murdered by some unknown persons. Then after leaving my father Joga Singh and Javir Singh to care the dead body; I alongwith Rajvir Singh abovesaid were going to PP Chottian to inform about the same but you met me at Bus stand Chudal Kalan. My brother-in-law Jagmohan Singh was murdered by some unknown persons by causing him bodily injuries and firing bullets. The unknown persons have fled away after snatching his I-20 bearing registration No.PB75-1440. Action be taken against unknown persons. I got recorded the statement with you at Bus Stand Chudal Kalan, which is found to be correct on reading.*

*Sd/- (Daljit Singh).'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.3.2020. Learned counsel has further argued that the petitioner was not named as an accused in the FIR and his name was figured later on in supplementary statement made by FIR-complainant Daljit Singh, who when examined as prosecution witness has turned hostile. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the actual fire shot, which is



alleged to have killed the deceased, has not attributed to the petitioner. Learned counsel has further argued that the trial is procrastinating and the folly thereof cannot be fastened upon the petitioner and the petitioner is languishing gaol for more than one year. Thus, regular bail is prayed for.

4. 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 19.8.2025 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 17.3.2020 wherein after investigation was carried out and challan stands presented on 9.6.2020. Total 41 prosecution witnesses have been cited. It is not in dispute that only 14 witnesses have been examined till date. Thus it is indubitable that conclusion of the trial will take its own time. The rival contention, including the weightage required to be attached to the testimony of the hostile witness PW-Daljit Singh; shall be gone into 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 As per custody certificate dated 19.8.2025 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of more than 3 years and one month. As per the said custody certificate, the petitioner is stated to be involved in multiple FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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*.

6.2 This Court with the assistance of learned rival counsel have perused the *zimni* orders passed by the trial Court and the trial is indeed procrastinating. At this juncture It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in *Criminal Appeal No.2787 of 2024* titled as *Javed Gulam Nabi Shaikh vs. State of Maharashtra and another*, decided on 03.07.2024; relevant whereof reads as under:-

*“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental*



*right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.*

*20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.*

*21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

6.3 Indubitably, the present petition is the 4<sup>th</sup> attempt by the petitioner to secure regular bail. The last regular bail petition preferred by the petitioner was dismissed on 5.7.2024. However, keeping in view the extended custody of the petitioner for more than one year and juxtaposed with the pace of the trial (which is decipherable from the *zimni* orders passed by the trial Court, appended with the instant petition), this Court is inclined affirmatively to grant the concession of regular bail to the petitioner. It would be apposite to refer herein a judgment of this Court in **Rafiq Khan v. State of Haryana and another, CRA No.2332 of 2023** decided on 22.2.2024, 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.'*

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/Illaqa 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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

**(SUMEET GOEL)**  
**JUDGE**

**20.8.2025**

*Ashwani*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No