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2025:PHHC:130941



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

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Date of decision: September 22, 2025

Harpreet Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Jatinder Nagpal, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

None for respondent No.2.

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

Present third 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 bearing FIR No.16 dated 15.02.2021, registered for the offences punishable under Sections 307/ 323/ 324/ 341/ 506/ 34 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 302/ 148/ 149 of IPC added later on), registered at Police Station Sadar Rajpura, District Patiala.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Bahadur Khan (respondent No.2 herein) reported that on 14.2.2021, some persons, namely, Harinder Singh, Gurmeet Singh, Gursewak Singh, Kaka Singh, Gurinder Singh, Jagdish Singh, Harpreet Singh (petitioner herein) came uninvited in the marriage ceremony of his

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relative, namely, Nawab Khan in the Community Centre of Village Sural Khurd. At about 10.00 pm, they had started creating nuisance. When the complainant stopped them from doing so, they threatened them. They were persuaded to leave the said marriage palace. Thereafter, the said persons while standing outside the marriage palace started challenging the complainant and other members of his family. They were armed with swords and wooden sticks in their hands. When the complainant and his nephew, namely, Rinku Khan stepped out of the marriage palace, accused, namely, Harinder Singh gave a *Kirpan* blow on his head. The said blow caused a cut in the turban of the complainant. Thereafter, Harpreet Singh (petitioner) gave a blow with *Gandasa* on the left arm of the complainant. Thereafter, the petitioner gave a blow with *Kirpan* on the head of Rinku. Harinder Singh also gave a *Kirpan* blow on the head of Rinku. The complainant and Rinku had fallen down. When they were lying, Jagdish Singh gave *Danda* blows to them. Gurmeet Singh, Gursewak Singh, Kaka Singh and Gurinder Singh gave beatings to them with *Dandas*. When other members of the family of complainant came out on hearing the noise, the accused ran away with their weapons.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 16.02.2021. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that prime prosecution witness, namely, Bahadur Khan (uncle of the deceased/ FIR – complainant/ respondent No.2) has been examined in part, whereas, PW – Gurjant Singh has been examined completely. Learned counsel has iterated that the trial is procrastinating and folly thereof cannot be fastened upon the petitioner. In this regard, learned

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counsel has placed reliance upon a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, in which, it has been held as under:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*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.”*

3.1. Learned counsel has submitted that the petitioner has suffered incarceration for more than 04 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed the custody certificate dated 21.09.2025 as also compliance report by way of an affidavit dated 12.09.2025 of Inspector Gursewak Singh, Station House Officer, Police Station Sadar Rajpura, District Patiala in the Court today, which are taken on record. Raising submission in tandem with the aforesaid compliance report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. A perusal of

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the said compliance report reflects that pursuant to the order dated 04.09.2025 passed by this Court, respondent No.2/ complainant has been informed about the pendency of the present petition. However, none has caused appearance on his behalf.

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 16.02.2021 whereinafter investigation was carried out and challan was presented on 11.05.2021. It is not disputed before this Court that total 26 prosecution witnesses have been cited, only 02 have been examined (01 in part and 01 completely) till date. It is thus, indubitable that conclusion of the trial will take long time. The factual position of the trial proceedings is not disputed by learned State counsel. 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 third attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 25.09.2024. However, keeping in view extended incarceration of the petitioner for a period of about 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 *Rafiq Khan versus State of Haryana and another*, relevant whereof reads as under:

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“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 21.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 years, 06 months and 30 days, & is not shown to be involved in any other FIR(s).

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:

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

(SUMEET GOEL)  
JUDGE

September 22, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No