

2025:PHHC:061502



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

244

**CRM-M No.19170 of 2025
Date of Decision: 08.05.2025**

Atinder Pal @ Pannu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.89 dated 31.03.2018 registered under Sections 302, 307, 325, 324, 323, 148, 149 and 427 of IPC at Police Station City Rajpura, District Patiala. The previous petition as filed by him bearing CRM-M-31473-2024 had been dismissed by this Court vide order dated 19.10.2024.

2. As per the allegations, on the evening of 31.03.2018, the petitioner along with the co-accused and 35-40 unknown persons armed

2025:PHHC:061502



with weapons had opened an attack upon the complainant and his companions after calling him to come to Khalsa Service Station for having some conversation. They had been extended injuries. Their vehicles had been damaged. One of the injured namely, Sohan Lal succumbed to the injuries sustained at the hands of the assailants and had died. The petitioner was arrested on 14.04.2018 and presently, he is facing trial along with the co-accused.

3. It is argued by learned counsel for the petitioner that the co-accused Gurwinder Singh, Jaskaran Singh Bedi, Gurkirat Singh, Gurpreet Singh and Ashish Kumar @ Billa have been extended benefit of bail. He is in custody since long. The trial is likely to take more time to conclude since only 2 out of 31 prosecution witnesses have been examined so far. The extended period of custody is substantive and specious change in the circumstances entitling him to seek benefit of bail. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious and specific in nature. His previous petition had been dismissed after taking into consideration all the contentions as raised now. Mere extended period of incarceration is not a ground to extend benefit of bail. Accordingly, it is argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner for grant of

2025:PHHC:061502



regular bail had been dismissed vide order dated 19.10.2024 by taking into consideration all the material points. The instant one has been filed within a period of six months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to *State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292*, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another, (2004) 7 SCC 528*, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have committed the murder of victim Sohan Singh. While deciding his previous petition, this Court had observed that the delay in trial of the case had occurred due to outbreak of Covid and due to

2025:PHHC:061502



the fact that some of the co-accused did not appear. The co-accused who have been extended benefit of bail have misused the concession of bail and they have been declared proclaimed persons. The petitioner is in custody since long, however, he has criminal antecedents since he has been convicted in two cases under the provisions of Prison Act and is facing trial in a case under the provisions of NDPS Act. While deciding his previous bail petition, all the contentions as raised now had been taken into consideration. There is no substantive or specious change in the circumstances except the extended period of incarceration which cannot be considered to be a sole ground to extend benefit of bail to the petitioner. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

08.05.2025

manju

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No