



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

235

\*\*\*\*\*

**CRM-M No.54987 of 2025  
Date of decision : 8.10.2025**

**Kulwinder Singh @ Kinda**

.....Petitioner

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

.....Respondent

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

Present: Ms. Madhu Bala, Advocate, for  
Mr. Janak Singh Bhinder, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

---

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

1. Present second 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.11 dated 22.2.2025, under Sections 115(2), 333, 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023 (Sections 109, 117(2) and 238 of BNS added later on), registered at Police Station Sudhar, District Ludhiana.

2. The gravamen of allegations against the petitioner is that on **16.02.2025 at about 8:00 PM**, when upon hearing a noise at the door, son of the complainant (Darshan Singh) went to check, then he saw Kirnandeep Singh @ Kirna armed with a *Toki*, Kulwinder Singh @ Kinda (petitioner herein) armed with a *Toki*, Lakhwinder Singh @ Lakha, and Gurwinder Singh standing in front of their gate. The petitioner was sitting



on a motorcycle outside the house, while the remaining three forcibly pushed the door and entered inside. Immediately, co-accused, namely, Kirandeep Singh @ Kirna struck son of the complainant on the head with a *Toki*, causing him to cry out in pain. Then, another co-accused, namely, Kulwinder Singh @ Kinda (petitioner herein) struck his son from behind with the reverse side of the *Toki*, hitting him on the back. The son of the complainant collapsed to the ground, and blood started oozing from his head. Meanwhile, co-accused, namely, Lakhwinder Singh @ Lakha raised a *lalkara*. When the complainant rushed to help his son, Lakhwinder Singh caught hold of him and attacked with a *Toki*, hitting his left wrist. Kirandeep Singh again assaulted the complainant with a *Toki*, this time on his chest. Lakhwinder Singh further gave him fist blows on his face and on the side of his stomach, causing deep injuries. On hearing the commotion, daughter-in-law of the complainant raised a *raula*. At this, all the accused fled the spot with their weapons on the motorcycle, threatening them before leaving.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.2.2025. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the injury prescribed under Section 109 of BNS is attributed to co-accused namely Kirandeep Singh @ Kirna and not to the present petitioner. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the petitioner is a young man aged 28 years with clean antecedents.



Learned counsel has further argued that the petitioner has suffered incarceration for more than 7 months. 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 7.10.2025 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 24.2.2025 wherein after investigation was carried out and challan stands presented on 7.8.2025. Total 16 prosecution witnesses have been cited. It is not in dispute that none has been examined till date. Thus, it is 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 As per custody certificate dated 7.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 12 days & is not shown to be involved in any other case.

6.2 It is not in dispute that the petition in hand is the second bail



petition preferred before this Court. The first bail petition was dismissed as withdrawn on 9.7.2025. Keeping in view the extended incarceration of about 3 months and the slow pace of the trial, this Court is inclined to favourably consider the instant petition. A profitable reference in this regard is being made to a judgment passed by this Court in ***Rafiq Khan versus State of Haryana and another: 2024(2) Law Herald 1140;*** relevant whereof reads thus:

*“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.

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

**8.10.2025**

*Ashwanii*

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No