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2025:PHHC:124912



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: September 11, 2025

Kulvir Singh @ Mithu

...Petitioner

versus

State of Punjab

...Respondent

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

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. A.S. Dhaliwal, Advocate for the complainant.

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**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.0080 dated 01.04.2025, registered for the offences punishable under Sections 333, 115(2), 351(2), 191(3), 190 and 117(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station Sohana, District SAS Nagar.

2. The gravamen of the allegations against the petitioner is that on 30.04.2025 at about 7:00 P.M., the complainant was sitting in front of his house along with his father Gurmit Singh and mother Harvinder Kaur. At that time, Kulvir Singh @ Mithu (petitioner), Sukhpreet Singh @ Sukhi, and Jaspal Singh, in an inebriated condition, passed by their house and started abusing them. Out of fear of a quarrel, they went inside. Thereafter, they narrated the

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incident to their uncle (*Chacha*) Sukhdev Singh, who then lodged a complaint before the Sarpanch. Around 9:00 P.M., Kulvir Singh @ Mithu (petitioner herein), Sukhpreet Singh @ Sukhi, Manpreet @ Manna, Balwinder Singh @ Bunty, and Gagandeep Singh @ Gagga came in front of their house. They were shouting to drag Gurmit Singh @ Ghoga (father of the complainant) out of the house. They broke the main gate with *kirpans* and *dandas*. Kulvir Singh @ Mithu (petitioner herein) and Baltej Singh @ Soni assaulted Sukhdev Singh (uncle). The complainant's father hid himself inside a room. The complainant's sister Satvinder Kaur, who had a mobile phone, came outside. Kulvir Singh (petitioner herein) abused her, beat her with a *danda*, and snatched her mobile phone. When their uncle (*Taya*) Avtar Singh tried to intervene, he was attacked by the son of Swaran Singh, causing an injury to his eye. When the complainant's elder sister came out, she was slapped by the accused. Manpreet @ Manna attacked the complainant with a sword. In an attempt to save himself, he raised his right hand and got injured. Kulvir Singh @ Mithu (petitioner herein) also kept beating him, threatening not to spare him. The complainant's mother Harvinder Kaur came forward to rescue him, but Baltej Singh @ Soni caught hold of her from behind and threw her to the ground. Thereafter, Kulvir Singh @ Mithu (petitioner herein) and Satti (son of Kala Singh) assaulted her with *dandas*. Later, Sukhdev Singh (uncle), Paramjit Kaur (*aunt*), and Satkartar Singh (*taya*) also reached to rescue, but the accused continued to beat them.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 07.04.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the case in hand is one of version and cross-version. Learned counsel has further iterated that investigation in the FIR in question *qua* the petitioner is

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complete and challan already stands presented on 16.06.2025. Learned counsel has also iterated that the petitioner has been in custody for more than 05 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 10.09.2025 in the Court today, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct and serious allegations against the petitioner and thus, he ought not to be extended concession of regular bail. In case, the petitioner is released on regular bail, there is all likelihood that he may abscond from the process of justice as also interfere with the trial by intimidating the witnesses. Learned counsel has however, argued that, though, direct allegations of causing grievous injury is to one co-accused, namely, Manpreet @ Manna, but the petitioner has actively involved in the said offence. Thus, dismissal of the present petition is entreated for.

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

7. The petitioner was arrested on 07.04.2025, whereinafter, investigation was carried out and challan has been presented on 16.06.2025. Total 19 prosecution witnesses have been cited, but none has been examined till date. 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

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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.

7.1. 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 13.08.2025. However, keeping in view further incarceration of the petitioner for a period of about 01 month and no progress in trial, this Court is inclined to favourably 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:

*“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).*

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*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.”*

7.2. As per custody certificate dated 10.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 05 months and 01 day, & 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.

8. 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.

9. 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.

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10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

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

**September 11, 2025**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No