



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

CRM-M-8077-2026 (O&M)

PARMOD KUMAR ALIAS LADI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

1	The date when the judgment is reserved	12.05.2026
2	The date when the judgment is pronounced	13.05.2026
3	The date when the judgment is uploaded on the website	13.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Narang, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J.

1. The instant one is the second petition preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.132 dated 13.11.2023 registered under Sections 302, 307, 160, 323, 324, 148, 149, 212, 216, 120B, 473 of IPC and Sections 25 and 27 of Arms Act Police Station Division D, Amritsar. His previous petition bearing CRM-M-41443-2024 had



been dismissed by this Court vide order dated 11.08.2025 by making the following observations :-

The petitioner being a member of an unlawful assembly is alleged to have opened fire upon the members of the rival group thereby causing gunshots injury to Arun Kumar who succumbed to the same and died. There are specific and serious allegations against the petitioner. His antecedents are not clean since as per the custody certificate, he is shown to be involved in several other cases of serious nature and even been convicted in some of such cases. Keeping in view the gravity of the allegations as levelled against the petitioner, his antecedents, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither named in the FIR nor was he present at the spot of occurrence. No specific role has been attributed to him. He is in custody since 29.02.2024. There is no progress in the trial as only 03 out of 42 prosecution witnesses have been examined so far. In fact he has been implicated with the aid of Sections 212 and 216 read with Section 120B of IPC. No useful purpose would be served by detaining him in custody anymore. Each



day spent by him in custody has furnished a new ground to him to seek concession of bail afresh. It is, therefore, argued that the petition deserves to be allowed.

3. Per contra, learned State counsel while relying upon the status report has vehemently argued that there are serious and specific allegations against the petitioner who alongwith co-accused had fired gunshots with their respective pistols thereby causing homicidal death of Arun Kumar. He had also beaten the members of the rival group. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. His antecedents are not clean as he is involved in several other cases and has remained a convict also. With these broad submissions, it is urged that the petition is liable to be dismissed.

4. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

5. So far as the question of maintainability of this petition being successive one is concerned, it may be mentioned that, an accused has a right to move successive bail application for grant of bail and it is the duty of the Court, while entertaining such a subsequent bail application, to consider that any fresh ground which persuade it to take a view different from the one taken in the earlier application is made out or not? It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. The denial of bail comes with a



condition that the prosecution must press for early completion of the trial. The petitioner is alleged to have formed a membership of an unlawful assembly with the co-accused and in prosecution of common object thereof shots were fired upon the members of the rival group thereby causing firearm injury to one Arun Kumar who had succumbed to the same. There is no eye-witness to the occurrence and the case rests upon circumstantial evidence. The complainant has placed on record Annexure P7 and P8 i.e. sworn depositions of PW3-Heera Singh and PW4-Lovepreet Singh showing that they did not support the prosecution version and have not deposed anything to connect the petitioner with the commission of subject offences. The petitioner is in custody for a period of over 02 years, 02 months and 12 days. The chances of conclusion of the trial in the near future are bleak as a substantial number of prosecution witnesses still remain to be examined. Recovery of weapon of offence was not effected at the instance of the petitioner but from the co-accused. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under



Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

13.05.2026

Amit Sharma

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No