



2026:PHHC:097021



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

332

**CRM-M No.34871 of 2026
Date of decision: 16.07.2026**

Ravinder Singh @ Gagan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.55 dated 25.09.2022 registered under Sections 364, 342 and 34 of IPC (Sections 302 and 201 of IPC added later on) at Police Station Bhadaur, District Barnala. His previous two petitions had been dismissed vide orders dated 05.11.2024 and 12.08.2025 respectively. The second petition bearing CRM-M-32413-2025 had been dismissed by making the



2026:PHHC:097021



following observations:-

“6. There is no eyewitness to the murder of the victim. It is a case of circumstantial evidence. The prosecution case is that PWs Nachatar Singh and Labh Singh had overheard some conversation between the petitioner and the co-accused with regard to committing murder of the victim. Both these witnesses have been examined before the learned trial Court. Now copies of their statements have been placed on record as exhibit P-3 and P-4 respectively. A perusal of the same reveals that PW-3 Labh Singh has not supported the prosecution version and has turned hostile. However, PW-2 Nachatar Singh though declared hostile is shown to have supported the prosecution version about overhearing conversation between the petitioner and co-accused, about committing murder of the victim. As such, at this stage, it cannot be stated that he did not support the prosecution version. The allegations against the petitioner are serious in nature. Trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. As such, no substantive or specious change in the circumstances has come on record which may form basis for release of the petitioner on bail. A detailed order was passed while dismissing the first bail petition of the petitioner. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.”

2. It is argued by learned counsel for the petitioner that he has



2026:PHHC:097021



been falsely implicated in this case. He is in custody for a period of over 03 years 09 months. After dismissal of his second petition, a period of about 01 year has passed. However, there has been no progress in the trial since only 04 out of 27 prosecution witnesses have been examined. Each day spent by him in custody has furnished a fresh ground to him to seek concession of bail. His prolonged incarceration militates his fundamental right to seek concession of bail. No useful purpose would be served by detaining him in custody any more. It is, therefore, argued that he deserves to be released on bail.

3. Per contra, learned State counsel has argued that the petition being the successive petition is not maintainable, as there is no drastic change in the circumstances from the date of dismissal of previous petitions. The allegations against him are serious in nature. It is, therefore, stressed that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. The petitioner is in custody for a period of more than 03 years and 09 months. Only 04 out of 27 prosecution witnesses have been examined so far. It is apparent that the chances of conclusion of trial in near future are bleak. This factor, in the opinion of this Court, is a ground to move for bail afresh. 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. It has also been held that every day



2026:PHHC:097021



spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is 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 keeping the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-



2026:PHHC:097021



(i) The petitioner will not tamper with evidence during trial.

(ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

(iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iv) any infraction shall entail in withdrawal of the benefit granted by this court.

6. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(MANISHA BATRA)
JUDGE

16.07.2026
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No