



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

CNR No: PHHC011185822026

2026:PHHC:127262



CRM-M-40824-2026 (O&M)

Vishal @ Billa

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	08.09.2026
2.	The date when the judgment is pronounced	09.09.2026
3.	The date when the judgment is uploaded on the website	09.09.2026
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. Vinod Kumar, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.65, dated 03.04.2024, registered under Sections 307, 323, 148 and 149 IPC, at Police Station Balongi, District SAS Nagar. His previous petition bearing No.CRM-M-45458-2025 had been dismissed by this Court vide order dated 04.11.2025 by making the following observations:

“The petitioner along with the co-accused is alleged to have assaulted the victim Gurwinder Singh by causing



multiple injuries in his abdomen with a knife which according to his own disclosure statement, was snatched by him from the victim himself. Though he has also claimed that he had sustained injuries in the same incident and a cross version in the form of DDR No.9 had also been registered on 30.07.2024 on his statement, however, the said fact does not lessen the liability of the petitioner. The fatal injuries on the person of the victim have been attributed to the petitioner. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of accusation of murder under Section 302 of IPC. The well settled proposition of law is that the grant of bail is a discretionary relief to be granted based on special facts and circumstance of each case and the factor such as nature of accusation, severity of punishment if the accusation entails a conviction and the nature of evidence in support of accusation are to be seen apart from reasonable apprehension of tampering with evidence or threatening of witnesses by an accused. Frivolity of prosecution should always be considered and it is only the element of genuineness that has to be considered in the matter of grant of bail. In the light of the foregoing legal principles and having regard to petitioner's role in the incident, the reasonable apprehension of his absconding or tampering with evidence, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed."

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has suffered incarceration for a period of more than 02 years and 01 month. The chances of conclusion of trial in near future are bleak as only 01 out of 28 prosecution witnesses



has been examined so far. It is a case of version and cross-version and he too had sustained injuries in the same incident. Each day spent by him has given a reason afresh to him to seek concession of bail. His prolonged incarceration militates against his fundamental right as guaranteed under Article 21 of the Constitution of India. His antecedents are clean. It is, thus, argued that he deserves to be extended the benefit of bail.

3. Per contra, learned State counsel has argued that the present one being the second/successive petition is not maintainable. It is further argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

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

5. The petitioner along with the co-accused is alleged to have caused homicidal death of the victim by causing multiple injuries on his person with a knife. He is alleged to be the main assailant. The allegations against him are serious in nature. Undoubtedly, the petitioner is in prolonged custody, however, in heinous crimes like the present one, an accused cannot be held entitled to seek concession of bail as a matter of right only on account of his prolonged incarceration. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. It is also well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations,



severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not a sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in **Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC).**

6. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

7. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

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

09.09.2026

harjeet

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No