



CRM-M-40449-2026 (O&M)

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

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CRM-M-40449-2026 (O&M)
Date of decision : 09.09.2026
Date of uploading : 09.09.2026

Yakub Ali @ Ali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 2nd 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.41 dated 23.04.2025 under Sections 103(1), 115(2), 191(3), 190 of BNS, registered at Police Station Sadar Pathankot, District Pathankot.
2. The FIR in question pertains to the murder of one Fakkardin.
3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses, including the FIR-complainant, namely Yasin, Dilpari, Ayisha and Sheena, who are relatives of the deceased, have not supported the



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case of the prosecution and, thus, the trial is not likely to culminate in conviction. Learned counsel has urged that the petitioner is a man with clean antecedents. 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 regular bail. Learned State counsel seeks to place on record custody certificate dated 08.09.2026 in Court, which is taken on record.

5. I have heard counsels for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 17.10.2025 wherein after investigation was carried out and challan stands presented on 14.01.2026. Total 28 prosecution witnesses have been cited but only 4 has been examined till date. It is thus indubitable that culmination of trial will take its own time. It is not in dispute before this Court that the prime prosecution witnesses, including the FIR-complainant Yasin, as also Dilpari, Ayisha and Sheena, have not supported the prosecution version. Keeping in view the entirety of the factual milieu of the case in hand, especially the petitioner being a man with clean antecedents, and the prime prosecution witnesses having been examined and having not supported the case of the prosecution, this Court is inclined to grant the concession of regular bail to the petitioner. The rival contentions; including the weightage to be accorded to the testimony of hostile witnesses, shall be gone into during the course of trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner



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absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 08.09.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 19 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn by this Court on 13.01.2026 in CRM-M-70666-2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial 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



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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/Illaq 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 for cancellation of bail of the petitioner.



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9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

09.09.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No