

**PUNJAB AND HARYANA HIGH COURT**

SINGLE BENCH

( Before : Sumeet Goel, J. )

**JASKARAN SINGH @ JANTY**

**Vs.**

**STATE OF PUNJAB**

Criminal Miscellaneous (M) No. 31175 of 2026

Decided on : 21-07-2026

**A. Bail Application — Successive Petitions — Successive bail petitions are maintainable even if earlier ones were dismissed on merits, provided there is a substantial change in circumstances — The court must provide clear reasons for granting bail in such cases. [Paras 6.1]**

**B. Criminal Procedure — Speedy Trial — The right to a speedy trial under Article 21 of the Constitution is fundamental — If the state cannot ensure a speedy trial, it should not oppose bail solely on the grounds of the seriousness of the crime. [Para 6]**

**C. Bail — Grant of Bail — Petitioner in custody for over 4 years and 5 months, with prime prosecution witnesses examined and a co-accused already granted bail — Despite being involved in other FIRs and having previous bail petitions dismissed, the court granted bail due to the extended custody and the pace of the trial, emphasizing that further detention as an undertrial was not warranted. [Paras 3, 6, 6.1, 7]**

**D. Criminal Law — FIR Allegations — The court noted that the petitioner was not the one who fired the shot, but allegedly provided the weapon and assisted in disposing of evidence — However, the court refrained from delving into the merits of these allegations to avoid prejudicing the trial. [Paras 3, 4, 6]**

**JUDGMENT**

**Sumeet Goel, J.**-Present petition filed under Section 483 of BNSS is the fourth attempt for grant of regular bail to the petitioner in case bearing FIR No. 08 dated 13.01.2022 (Annexure P-1), under Sections 307 and 34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 (Sections 302 and 201 IPC added later on), registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

**"Statement of Satnam Singh, S/O Karnail Singh, S/O Hazara Singh, resident of Laxmi Vihar near Bhapa Chunian Wala, 88 Feet Road, Amritsar, age about 53 years, Phone No. 7696965509, stated that I am a resident of the above address. I do the work of supplying sand by tractor trolley. I have four daughters and one son. Three of my daughters are married and my son Gursewak Singh, age 24 years, is also married. In the house live me, my wife and my unmarried daughter Rajwinder Kaur. My son Gursewak Singh was living with his wife Gori for the last four months at Jalandhar. Yesterday dated 12-01-2022 at about 10:30 PM he came with his wife Hari to celebrate the festival of Lohri. At about 11:30 PM, to call my son from the house, Arshdeep Singh @ Lucky son of Satnam Singh, resident of Guru Har Rai Avenue near Tower, came to our house and in my presence said to my son Gursewak Singh that brother, Navdeep Singh @ Dimple has called you home. My son at that very time went along with Arshdeep Singh @ Lucky. At about 1:00 AM in the night I came to know that someone had shot my son and his friends had admitted him in Swift Hospital, Majitha Road, Amritsar. Today morning, as there was no improvement in the condition of my son Gursewak Singh, we shifted him to Amandeep Hospital. While going on the way my son Gursewak Singh told me that Navdeep Singh @ Dimple and his real brother Arshdeep Singh @ Lucky S/O Satnam Singh, resident of Guru Har Rai Avenue, Amritsar, called me to their house along with mother and had a scuffle with me and during that time Navdeep Singh @ Dimple fired at me with his revolver. At the time of going I had also taken my friend Sahil, resident of Gopal Nagar, with me, who with great difficulty got me released from them and took me along and admitted me to Swift Hospital. The whole occurrence was seen by Sahil with his own eyes. The bullet hit on the right side of my stomach. After telling this much my son again went unconscious. At this time the operation of my son is going on in Amandeep Hospital. The reason is that my son Gursewak Singh had an altercation (verbal quarrel) with Navdeep Singh @ Dimple and Arshdeep Singh @ Lucky. Due to this grudge the said brothers called my son Gursewak Singh to their house with intention to kill him and shot him. In the morning I did not know the true facts; now when the entire truth has come before me I was going to the police station to get the statement written by meeting you, and you have met me and the statement has been written. Legal action be taken against Navdeep Singh @ Dimple and Arshdeep Singh @ Lucky. Statement heard, correct. Sd/- Satnam Singh (above). Verified correct. Sd/- Manbir Singh, SI, Police Station Sadar, Commissionerate Amritsar. Dated 13-01-2022."**

3. Learned counsel appearing for the petitioner submits that the petitioner is in custody since 02.02.2022. Learned counsel appearing for the petitioner submits that the

petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has urged that assuming arguendo, the prosecution version is taken to be correct, the petitioner is not the one who has fired upon the deceased and it is the co-accused namely Navdeep Singh @ Dimple who has fired upon the deceased. Learned counsel has further argued that co-accused namely Arshdeep Singh @ Lucky has been afforded the concession of regular bail by this Court vide order dated 11.07.2022 passed in CRM-M-19479-2022 (Annexure P-4). Learned counsel appearing for the petitioner submits that prime prosecution witnesses already stand examined and the petitioner has already suffered incarceration for more than 4 years. Thus, regular bail is prayed for.

4. State has filed short reply by way of affidavit of Assistant Commissioner of Police, North, Amritsar, relevant part whereof read thus:

**"PAST ANTECEDENTS OF PETITIONER<sup>13</sup>. That it is submitted that as per written report provided by the S.H.O. of Police Station Sadar, Amritsar, the present petitioner Jaskaran Singh @ Janty is also involved in the following other FIRs:**

**i) FIR No. 37, dated 1.1.2016, U/S 323, 324 IPC, PS Kathunangal, Amritsar Rural.**

**ii) FIR No. 49, dated 1.1.2016, under Section 307/148/149 IPC, 25 Arms Act, PS Sadar, Amritsar.**

**iii) FIR No. 83, dated 23.3.2016, U/S 323/326/148/149 IPC, PS A- Division, Amritsar.**

**iv) FIR No. 201, dated 13.10.2016, U/S 302, 307, 212, 216, 148, 149 IPC, 25 Arms Act, PS Sadar, Amritsar.**

**v) FIR No. 236, dated 17.12.2016, under Section 307, 452, 34 IPC, 25 Arms Act, PS Sadar, Amritsar.**

**vi) FIR No. 219, 5.10.2017, U/S 302, 120B, 216, 34 IPC, 25 Arms Act, PS Sadar, Amritsar.**

**vii) FIR No. 107 dated 16.10.2017, under Section 307, 379, 411, 34 IPC, 25 Arms Act, PS Kathunangal, Amritsar Rural.**

**viii) FIR No. 78, dated 1.1.2020, under Section 186, 353, IPC PS Kotwali Kapurthala.**

**ix) FIR No. 89, dated 11.04.2021, U/S 52-A Prison Act, PS Kotwali Kapurthala.**

**14. That it is pertinent to submit here that the present petitioner had earlier approached this Hon'ble Court thrice seeking the same relief of regular bail by way of filing CRM-M-16688-2023, CRM-M-31605-2024 AND CRM-M-9979-2026 which were dismissed vide orders dated 01.03.2024, 19.08.2025 and 25.02.2026 respectively by this Hon'ble Court and now the present petitioner has again filed the fourth petition seeking same relief without change in circumstances.**

**15.ROLE OF PETITIONER:**That the deponent humbly submits the role of the present petitioner, namely Jaskaran Singh @ Janty, is grave, active and inseparable from the commission of the offence. During investigation, it surfaced that the petitioner had reached the place of occurrence armed with his illegal Glock pistol and remained present with the co-accused at the time of the incident. The co-accused Navdeep Singh @ Dimple specifically disclosed that he had fired the fatal shot upon deceased Gursewak Singh by using the pistol belonging to the present petitioner. After commission of the offence, the petitioner took away the weapon of offence as well as the empty cartridges in an attempt to destroy the evidence. His involvement is, therefore, not merely based upon suspicion but upon cogent material collected during investigation, which clearly establishes that he actively facilitated the commission of the murder and thereafter participated in causing disappearance of the evidence."

Raising submissions in tandem with the said short reply, 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 custody certificate dated 20.07.2026 in Court, which is taken on record.

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

6. It is not in dispute before this Court that the petitioner is in custody in the FIR in question since 02.02.2022. It is also not in dispute before this Court that out of total cited 38 witnesses, 17 have been examined. It is also a conceded case before this Court that prime prosecution witnesses namely PW-Satnam Singh (FIR-complainant) already stand examined. The co-accused namely Arshdeep Singh @ Lucky has already been afforded the concession of regular bail by this Court. It is not in dispute that the conclusion of trial will take long. At this juncture, it would be apposite to refer herein to the dicta passed by the Hon'ble Supreme Court Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494, relevant whereof reads thus:

**"18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.**

**19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article**

**21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."**

The rival contentions raised at the Bar, give rise to debatable issues which shall be ratiocinated upon during the course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may 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.

6.1. Indubitably, the present petition is the fourth attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-16688-2023 was dismissed as withdrawn on 29.02.2024 whereas the second petition bearing no. CRM-M-9979-2026 was dismissed as withdrawn on 25.02.2026. The third petition filed by the petitioner for securing regular bail was dismissed on merits thereof vide order dated 19.08.2025 (Annexure P-2). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of 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).**

**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."**

As per custody certificate dated 20.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 4 years 5 months and 12 days & is stated to be involved in other FIRs/cases. However, this factum cannot be a ground sufficient by itself to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail qua the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another*, 2012 (1) RCR (Criminal) 586; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State*, 1998 (2) RCR (Criminal) 477 & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 trial Court/Illaqa 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 trial Court/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.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.