



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

**(109)**

**CRM-M-61559-2025 (O&M)  
Date of decision : 27.02.2026**

**MAKHAN SINGH**

**... Petitioner**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Kuldip Singh, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

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**MANISHA BATRA, J. (ORAL)**

**CRM-5816-2025**

1. Application for placing on record is allowed subject to just exceptions and the document annexed with the application is ordered to be placed on record as Annexure P-6.

**CRM-M-61559-2025**

1. The instant one is the second petition filed 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.299 dated 17.11.2021 registered under Sections 302 IPC (Section 201 and 120B IPC added later on) at



2026:PHHC:032767



Police Station Sadar Fazilka, District Fazilka on the allegations that he had caused homicidal death of his wife Prakash Kaur @ Usha by strangulating her on the night of 16.11.2021. His previous petition bearing CRM-M-28505-2023 was dismissed by this Court by making the following observations :-

6. *The petitioner along with the co-accused Binder Kaur is alleged to have killed his own wife namely Prakash Kaur @ Usha in the night of 16.11.2021. The motive attributed to the petitioner for committing murder of his wife is that he was in extra marital affair with co-accused Binder Kaur and in order to get rid of the victim so that he could perform marriage with Binder Kaur, he in conspiracy with co-accused had killed the victim by strangulating her with an iron wire. There are serious and specific allegations against the petitioner. He is accused of committing murder of his own wife in a planned manner. He is on interim bail. The trial is going on. The apprehension expressed by learned State counsel that if the petitioner is permitted to remain on interim bail, he can intimidate the witnesses, cannot be stated to be unfounded. The gravity of the offence alleged is prime consideration for the Courts to grant/deny the concession of bail to an accused. So far as the claim of the petitioner seeking parity with co-accused Binder Kaur is concerned, the order dated 05.11.2024, passed by the Hon'ble Supreme Court, itself says that the petitioner cannot do so. Therefore, keeping in view the gravity of offence alleged to have been committed by the petitioner, the role attributed to him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the*



2026:PHHC:032767



*petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed. He is directed to surrender before the jail authorities within a period of 10 days from today.*

2. It is argued by learned counsel for the petitioner that after the dismissal of his previous petition, a period of more than one year and two months has lapsed. He has remained in custody for a total period of 03 years and 02 months. The trial has still not concluded. His further incarceration would not serve any useful purpose. The case is based on circumstantial evidence. It is, therefore, argued that he deserves to be released on bail.

3. Per contra, learned State counsel has argued that the trial is at its fag end since only 02 out of 28 prosecution witnesses now remain to be examined. The previous petition of the petitioner had been dismissed by passing a detailed order. There is no substantive or drastic change in the circumstances. It is, therefore, argued that no ground for allowing the petition is made out.

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

5. Undoubtedly, a second/successive petition is maintainable in law, however, for such a period petition to succeed, the petitioner must show some substantial change in the circumstances and showing of a mere superficial or ostensible change would not suffice. Reference in this regard can be drawn to the observations made by this Court in ***CRA-S-2322-2022 titled as Rafiq Khan***



2026:PHHC:032767



*Versus State of Haryana and another*, wherein it was observed so and it was further held that in case a Court chooses to grant second/successive regular bail petition, cogent and lucid reasons are pertinently required to be recorded for granting such plea. In the instant case, the only ground which is taken by the petitioner is prolonged period of incarceration. However, since the trial is already at its fag end and there is nothing on record to show that there would be any undue delay in conclusion of the trial, this Court is inclined to hold that there are no substantial or drastic change in the circumstances and hence no ground has been made for allowing the petition. Accordingly, the same is dismissed.

6. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

(MANISHA BATRA)

27.02.2026

Amit Sharma

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No