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

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Ram Lubhaya

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 09.07.2026**Date of Uploading : 09.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sarju Puri, Senior Advocate with
Ms. Damanpreet Kaur, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.0122 dated 18.11.2025, registered for the offences punishable under Sections 103, 109, 324(4), 190, 191(3) of BNS and Sections 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station City Banga, District SBS Sagar.

2. The prosecution case, as set-out in the petition in hand, is that on 17.11.2025, the complainant namely Pawandeep Singh alias Babbu Maan was present at his shop. At about 03:00 PM, his brother namely Harpreet Singh alias Honey Bal along with his associates was going towards Phagwara in his Scorpio car. It has been further alleged by the complainant that his brother Harpreet Singh honey was driving the car and when they reached near Ritha Ram School, some persons who were travelling in an i-

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brother drove the car towards Banga Bus Stand area. Owing to heavy traffic, the car of his brother got stuck in traffic jam and the assailants, thereafter, intercepted the vehicle and indiscriminately fired gunshots at its occupants. As a consequence of the firing, multiple persons sustained firearm injuries and two persons i.e., Rimplejit Singh and Harpreet Singh alias Honey Bal (brother of FIR-complainant) succumbed to their injuries. The FIR had initially named Ajay Kumar son of the present petitioner and certain other accused persons as active participants in the attack. However, during the course of investigation, statements of the complainant and injured witnesses were recorded and it had surfaced that prior to the occurrence there had been an altercation between Sahil Bholu and the accused side on 15.11.2025. The investigation further reflect that the present petitioner, along with his son Ajay Kumar and other associates, had allegedly participated in the meetings wherein the conspiracy to attack the complainant party was allegedly hatched. Consequently, vide DDR No.16 dated 27.11.2025, the petitioner came to be nominated as an accused in the present case.

3. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated in the FIR in question. Learned senior counsel has further iterated that the petitioner was not named in the FIR and no overt act has been attributed to him therein. Learned senior counsel has further contended that the petitioner has been nominated solely on the basis of a supplementary statement recorded after a considerable delay which renders the prosecution version highly doubtful. It has been further contended that the petitioner is a 66-year-old senior citizen having clean antecedents and has no criminal history. Learned senior counsel has



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emphasized that the petitioner has spent more than two decades working abroad and, after returning to India, has been engaged in social and religious activities in his village. Learned senior counsel has further asserted that the petitioner was never present at the spot of occurrence and no recovery has been effected from him. Learned senior counsel also contends that the petitioner has been implicated only because he is the father of the main accused namely Ajay Kumar. It has been further contended that there is no motive whatsoever for the petitioner to commit the alleged offence. Learned senior counsel has further submitted that the investigation has been completed and challan has already been presented before the competent Court of jurisdiction. According to learned senior counsel, the petitioner is stated to be in custody since 27.11.2025 and has undergone incarceration for a substantial period of time. As the conclusion of trial is likely to take a considerable amount of time and, therefore, no useful purpose would be served from continued incarceration of the petitioner. Learned senior counsel has emphasized that the petitioner has clean antecedents and there is no likelihood of his absconding or tampering with the prosecution evidence. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the offence in question is extremely grave in nature involving a pre-planned attack resulting in the death of two persons and firearm injuries to several others. Referring to the status report dated 13.05.2026 by way of an affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar,



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learned State counsel has iterated that during the course of investigation the role of the petitioner has surfaced through the statements of material witnesses, which disclose his involvement in the criminal conspiracy allegedly hatched against the complainant party. The relevant part of the status report reads thus:

“10. ROLE OF THE PETITIONER

That the deponent humbly submits that the petitioner has been specifically named in the supplementary statement of the complainant as well as in the statements of other injured persons. During the course of investigation, it has been revealed that on 15.11.2025, an altercation took place between the injured Sahil @ Bholu and accused Saurav Kumar son of Balwinder Kumar regarding collision of a scooty. On the same day, accused Ajay Kumar and his father, namely Ram Lubhaya (present petitioner), extended threats to the injured Sahil @ Bholu. It was further revealed during investigation that on the next day, i.e., 16.11.2025, the injured Sahil @ Bholu and the brother of the complainant, namely Harpreet Singh @ Honey Bal, along with other accused persons, gathered at the bus stand for a compromise. The injured Sahil @ Bholu was asked to tender an apology, but he refused to do so. Thereupon, all the accused, including the present petitioner/Ram Lubhaya in connivance with each other, hatched a criminal conspiracy to attack Harpreet Singh (brother of the complainant) and Sahil @ Bholu. During the course of investigation, the petitioner also made a disclosure statement before the investigating officer, wherein he disclosed that on 17.11.2025, his son Ajay Kumar called the other members of his group at Kashmiri Dhaba, Mazari, and planned an attack on Harpreet Singh @ Honey Bal and Sahil @ Bholu. Thereafter, Ajay Kumar (main shooter) along with his accomplices proceeded towards the shop of the complainant in a car bearing registration No. PB-32-AA-7878, whereas the petitioner along with accused Jaswinder Singh @ Jassi went in another car bearing registration No. PB-32-B-0582. The petitioner further disclosed that at the instance of his son Ajay Kumar and his accomplices, he, along with Charanjit Singh @ Channi, Harpreet Singh @ Happy, Shubham Sharma, and Matloof Khan, conducted recce of Harpreet Singh @ Honey Bal and others in the area of Mukandpur Road, Banga.

11. CRIMINAL ANTECEDENTS OF PETITIONER:



That the deponent humbly submits from the verification of record of the petitioner, it has been revealed that except the present FIR No. 122 (supra), the petitioner is not involved in any other criminal case.

12. That the deponent humbly submits that there are specific and grave allegations against the petitioner. The petitioner, in connivance with his son and other accused persons, prepared a plan and then facilitated to execute the criminal plan hatched by his son Ajay Kumar. The son of the petitioner and his accomplices opened fire in a public place, resulting in the death of two youths. The investigation of the case is still ongoing, the main shooters are yet to be arrested, and the weapons used in the offence are yet to be recovered. It is further submitted that the material/star witnesses of the prosecution are yet to be examined. It is a settled principle of law that a fair trial requires that the complainant and other witnesses depose in a free and fearless atmosphere, without any threat or coercion. There exists a grave and reasonable apprehension that, in the event of the petitioner being released on bail, he may attempt to overawe or influence the complainant and other prosecution witnesses or tamper with the evidence collected by the investigating agency.”

Raising submission in tandem with the aforesaid reply, learned State counsel has submitted that in view of the seriousness of the offence, there is a strong likelihood that if released on bail, the petitioner may influence or intimidate the prosecution witnesses, who belong to the same locality and thereby hamper the trial. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must



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the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and*



not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite



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stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

7. The factual matrix of the case, as emerging from the FIR and the material collected during the course of investigation, reflects that the occurrence in question is a broad daylight firing incident allegedly executed by a group of armed assailants who chased the vehicle of the complainant party and opened indiscriminate fire in a public area which resulted in the death of two individuals and serious firearm injuries to others. The nature and manner of the offence, at this stage, reflect a grave and heinous crime. Though the petitioner was not named in the FIR in question but his subsequent nomination cannot be brushed aside at this stage merely on that ground. The material collected during the course of investigation indicates that the petitioner has been attributed a role in the events prior to the occurrence. The prosecution case is that on 15.11.2025 the petitioner, along with his son Ajay Kumar, had threatened Sahil Bholu. The investigation has further reflected that the petitioner was part of the chain of events that ultimately led to the commission of the offence. Whether these allegations are ultimately proved or not is a matter of trial; however, at the stage of consideration of bail, this Court is not required to meticulously examine the evidentiary value of such material but only to see whether a *prima facie* case is made out.

8. The plea of the petitioner that petitioner is a senior citizen and was not present at the scene of occurrence also does not persuade this Court at this stage. The allegations leveled against the petitioner are grave and



specific which clearly indicate his active participation in the commission of the crime. The occurrence in question has resulted in the death of two persons and injuries to several victims. In the considered opinion of this Court, the very magnitude and seriousness of the crime disentitles the petitioner to the discretionary relief of bail. The gravity of the offence and the manner in which it has been committed are relevant considerations while exercising discretion under Section 483 of BNSS. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Furthermore, the apprehension expressed by the State that the petitioner may influence the witnesses, who belong to the same locality, also cannot be said to be unfounded. The seriousness of the accusations, the nature of the offence, and the manner in which it is alleged to have been committed are relevant considerations while adjudicating a prayer for grant of regular bail.

9. In view of the gravity of the offence, the nature of allegations, the role attributed to the petitioner during investigation, and the overall facts and circumstances of the case, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail.

10. In view of the prevenient ratiocination, it is ordained thus:



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- (i) The present petition is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 09, 2026
Ajay

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