



CRM-M-13508-2026

1

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

233-2

CRM-M-13508-2026

Matluf Khan

...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. Sarvesh K. Gupta, 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.122 dated 18.11.2025, registered for the offences punishable under Sections 103, 109, 324(4), 190, 191(3), 351, 61 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-



CRM-M-13508-2026

2

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 was initially registered against Ajay Kumar and certain other accused as the persons who had actively participated in the attack. However, during the course of investigation, statements of the complainant and injured witnesses were recorded and it has surfaced that prior to the occurrence there had been an altercation between Sahil Bholu and the accused side on 15.11.2025. It has further surfaced that on 17.11.2025, accused Ajay Kumar had convened a meeting alongwith his associates at Kashmiri Dhaba, Mazari, where a conspiracy was allegedly hatched to attack Harpreet Singh alias Honey Bal and Sahil Bholu. As per the prosecution case, the petitioner namely Matluf Khan was one of the person present in the said assembly and, along with other co-accused, was entrusted the task of conducting surveillance upon the movements of the victims and conveying such information to the main accused. On the basis of the statements recorded during investigation, the petitioner came to be nominated as an accused through DDR No.16 dated 27.11.2025.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further iterated that the petitioner was not named in the FIR and no overt act has been attributed to him therein. Learned counsel has further



CRM-M-13508-2026

3

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 poor person and does scrap work to earn his livelihood. Learned counsel has further asserted that the petitioner was not present at the spot of occurrence and no recovery has been effected from him. It has been further contended that there is no motive whatsoever for the petitioner to commit the alleged offence. Learned 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 counsel, the petitioner is stated to be in custody since 30.11.2025 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 the continued incarceration of the petitioner. Learned 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 25.04.2026 by way of an affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar, 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:

“ROLE OF THE PETITIONER:

9. 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, and during the course of investigation, the petitioner also made a disclosure statement before the investigating officer. It is further submitted that the petitioner played an active and significant role in the commission of the offence, inasmuch as, on the asking of co-accused Ajay Kumar, the present petitioner- Matluf Khan, along with other members of his group, assembled at Kashmiri Dhaba, Mazari, where they hatched a criminal conspiracy to quarrel with and attack the brother of the complainant and Sahil @ Bholu and in furtherance of the said conspiracy and pre-plan, the petitioner conducted recce of Harpreet Singh @ Honey Bal and the persons accompanying him in a car, and thereafter conveyed the information regarding their movement and location to the main shooters, who subsequently fired upon Harpreet Singh @ Honey Bal and the persons accompanying him. True translated copy of supplementary statement of the complainant is annexed herewith as Annexure R3/T.

ANTECEDENTS OF THE PETITIONER:

10. That the deponent humbly submits from the verification of the record of the petitioner, it has been revealed that apart from the present FIR No. 122 (supra), the petitioner is also found to be involved in following another criminal case:

Sr. No.	Detail of the case/FIR	Status of the case/FIR
1.	FIR No. 72 dated 22.08.2019, under Section 18 of NDPS Act, PS City Banga.	Convicted on 27.01.2022

11. That the deponent humbly submits that there are specific and grave allegations against the petitioner. The petitioner, in connivance with other



CRM-M-13508-2026

5

accused persons, prepared a plan and then facilitated to execute the criminal plan hatched by accused Ajay Kumar. The accused Ajay Kumar and other assailants 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 evaluate factors such as the existence of *prima facie* evidence implicating 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



CRM-M-13508-2026

6

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 stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the



CRM-M-13508-2026

8

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 after conducting the *recce* of Harpreet Singh alias Honey Bal and his associates has passed the information to the main accused which facilitated the execution of the attack. Though the petitioner was not present at the spot when the firing took place but the investigation conducted so far has reflected that the petitioner was a 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 no recovery has been effected from the petitioner also does not persuade this Court at this stage. The allegations leveled against the petitioner are grave and specific which clearly indicate his participation in the commission of the crime. The



CRM-M-13508-2026

9

occurrence in question has resulted in the death of two persons and injuries to several others. In the considered opinion of this Court, the very magnitude and seriousness of the crime disentitle 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 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:

(i) The present petition is devoid of merits and is hereby dismissed.



CRM-M-13508-2026

10

- (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