

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

**CRA-S-490-2025 (O&M)
Reserved on : 06.11.2025
Pronounced on : 18.11.2025**

Navdeep Singh @ Deepu @ Deep

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Angad Parmar, Advocate
for the appellant.

Mr. Roshandeep Singh, AAG, Punjab.

None for respondent No. 2, despite service.

MANISHA BATRA, J.

1. The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) by the appellant challenging the order dated 16.09.2024 passed by the Court of learned Additional Sessions Judge, Hoshiarpur (*hereinafter referred to as 'the trial Court'*), whereby an application filed by him under Section 483 of BNSS, 2023 seeking grant of regular bail in case arising out of FIR No. 8 dated 06.01.2024, registered under Sections 302, 396, 323, 406, 307, 148 and 149 of IPC and Section 3(1) of the SC/ST Act at Police Station Tanda, District Hoshiarpur, had been dismissed.

2. The aforementioned FIR was registered on the basis of the

statement recorded by complainant Kashmiri Lal alleging that on 05.01.2024, a *Nagar Kirtan* had passed through his village. A *Langar* of milk was being arranged for the congregation at the wielding shop of Gurmet Singh, a co-villager. The complainant along with his sons Sahil and Gaurav was serving milk to the congregation, when at about 08-8:15 PM, the appellant armed with *daang* along with the co-accused reached there in a tractor trolley. They were also armed with weapons. Accused Ashish @ Ashu made an exhortation that Sahil (son of the complainant) should be taught a lesson for raising voice against them and then he opened an assault by striking blows with a baseball bat on the head of Sahil. Accused Abhishek @ Abhi and Ladi also assaulted the victim with their rods and sticks. The complainant rushed for the rescue of his son and was also assaulted with a baseball bat by accused Amritpal. The appellant struck blows with stick on his person. Brother of the complainant, namely Malkit Lal, was also assaulted by the accused persons. Clamour raised by them attracted other persons, who rushed for their rescue and then the assailants fled away on their tractor trolley.

3. As per the further allegations, injured Sahil was rushed to the hospital. However, he succumbed to the injuries sustained by him and died. While alleging that accused Ashu was having a grudge against his son on account of some previous altercation and had committed his murder, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Offence under Section 3(1) of the SC/ST Act was added as the victim belonged to SC community. Accused

Paramjit Singh @ Pamma was arrested on 06.01.2024. On the basis of the supplementary statement of the complainant, some other persons were also nominated as accused and were arrested. The appellant was arrested on 19.01.2024. Presently, the appellant and the co-accused is facing trial for commission of aforementioned offences. The appellant had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed by passing the impugned order dated 16.09.2024.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the learned trial Court did not consider the fact that no injury on the person of the deceased whatsoever had been attributed to him and the only injury, which was attributed to him, is a *danda* blow on the cheek of the complainant, which has been opined to be simple in nature. He had no role to play in the commission of subject offences. His presence at the spot has not been established. He is in custody since long. He has clean antecedents. The trial will take considerable time to conclude. His further detention would not serve any useful purpose. With these broad submissions, it is urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and the appellant deserves to be given benefit of regular bail.

5. Written response has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the appellant, who formed membership of an unlawful assembly with the co-accused and it was in prosecution of common object of that unlawful assembly that the injuries were caused to deceased/victim

Sahil as well as to the complainant and his brother Malkit Lal. The injuries so sustained by victim Sahil proved fatal and resulted into his instantaneous death. The allegations *prima facie* reveal that the appellant had played active participation in the incident. The death of the victim had occurred due to the impact of the injured sustained by him. The material witnesses are yet to be examined. There are chances of the appellant's intimidating them or absconding, if extended benefit of bail. Hence, it is urged that the present appeal is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The appellant is alleged to be a member of an unlawful assembly formed with the co-accused. The injuries were caused to the complainant, his son Sahil and brother Malkit Lal by the assailants. The injuries sustained by victim Sahil resulted into his homicidal death. The appellant has been linked to the acts attributed, with the aid of Section 149 of IPC. The essential ingredients of this offence are that:

- i. There must be an unlawful assembly;
- ii. Commission of an offence may be by any member of the unlawful assembly; and
- iii. Such offence must have been committed in prosecution of the common object of the assembly, or must be such as the members of the assembly knew to be likely to be committed.

8. On a cursory perusal of the above ingredients, it is apparent that even mere presence in the unlawful assembly but with an active mind to achieve the common object, makes a person vicariously liable for the acts of the unlawful assembly. Under Section 149 of IPC, the liability of the other

members, for the offence committed during the continuance of the occurrence rests upon the fact whether the other members knew beforehand that the offence actually committed was likely to be committed in prosecution of the common object. Such knowledge may reasonably be collected from the nature of the assembly, arms, or behaviour at or before the scene of action.

9. In the instant case, the appellant accompanied by the co-accused had reached at the spot in a tractor trolley and after making exhortation by co-accused Ashu, he along with co-accused had opened an attack upon the son of the complainant and even complainant was injured. The allegations *prima facie* show the active participation of the appellant, who had struck blows with a *daang* on the person of the complainant. The allegations against him are quite serious in nature as he along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the

accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. In light of the foregoing legal principles and having regard to the appellant’s role in the incident and the reasonable apprehension of his absconding or tampering with evidence, this Court does not find any infirmity in the impugned order requiring interference of this Court as well as no compelling ground is made out to grant bail to the appellant. Accordingly, the appeal is dismissed.

10. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

18.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>