

CRM-M-9793-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9793-2025
Reserved on: 01.05.2025
Pronounced on: 19.05.2025

Manish Kumar alias Khanna ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. Vikas Sunak, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
175	13.07.2023	Kotwali, District Kapurthala, Punjab	160, 302, 303, 323, 324, 325, 326, 332, 186, 353, 148, 149, 120B IPC and 42 of Prisons Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. Petitioner is silent about his criminal history, however per paragraph 10 of the reply as well as custody certificate dated 25.03.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	241	26.11.2015	21 of NDPS Act	Model Town, District Hoshiarpur
2	05	11.01.2019	379, 411 IPC	Division No.8, Jalandhar, Distt. Jalandhar
3	221	30.08.2022	457, 380 IPC	Model Town, District Hoshiarpur
4	240	26.11.2015	457, 380, 427 IPC	Model Town, District Hoshiarpur
5	294	16.10.2022	411, 380 IPC and 25 of Arms Act	Rama Mandi, District Jalandhar
6	210	25.08.2020	353, 186, 506, 34 IPC and 54 of Prisons Act	Kotwali, District Kapurthala
7	216	31.10.2014	454, 457, 380, 379, 411 IPC and	Model Town, District Hoshiarpur

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			21 of NDPS Act	
8	185	11.12.2013	454, 380 IPC	Model Town, District Hoshiarpur
9	71	19.05.2014	454, 380 IPC	Model Town, District Hoshiarpur
10	215	31.10.2014	454, 380 IPC	Model Town, District Hoshiarpur
11	126	27.07.2014	454, 380 IPC	Model Town, District Hoshiarpur
12	133	31.07.2014	454, 380 IPC	Model Town, District Hoshiarpur
13	137	03.08.2014	454, 380 IPC	Model Town, District Hoshiarpur
14	110	02.07.2014	454, 380 IPC	Model Town, District Hoshiarpur
15	106	19.06.2014	454, 380 IPC	Model Town, District Hoshiarpur
16	08	20.01.2014	454, 380 IPC	Model Town, District Hoshiarpur
17	65	24.06.2014	454, 380 IPC	Chabewal, District Hoshiarpur
18	41	01.05.2014	454, 380 IPC	Chabewal, District Hoshiarpur

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That vide letter no. 1526- CTR dated 13.07.2023, received from the then Jail Superintendent, Central Jail, Kapurthala the above said FIR was registered against 22 prisoners by name and other prisoners. On the basis of the information supplied through above letter by the jail authorities a thorough investigation was conducted. The CCTV footage of the occurrence reveals that on 13.07.2023 at about 7.30 AM, about 30-35 jail inmates in collusion in furtherance of the common object gathered at gate of Phase-2 from their barracks. Many of them were armed with deadly sharp and blunt weapons. The inmates crossed the gate of Phase-2 and proceeded towards security ward-E and had a scuffle with the security staff of the Jail and then entered Ward No. 17 of the Security Ward-E and inflicted injuries to Simranjit Singh @ Simar son of Resham Singh, and three of his companions namely Surinder Singh @ Jimmy son of Mann Singh, Amanpreet Singh @ Sonu son of Sarabjit Singh and Varinder Pal Singh @ Raja. They caused severe grievous injuries to Simranjit Singh @ Simar. Some of the inmates who were part of the conspiracy to achieve the common object of causing injuries to Simranjit Singh @ Simar and his supporters stopped the police personnel from closing the gate of Phase-2, SO that their fellow inmates come hack safely after accomplishing the task.

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Later, during the treatment, the above said injured Simranjit Singh @ Simar succumbed to his injuries at Guru Nanak Medical College Amritsar on 13.07.2023.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. As per paragraph 5 of the reply, clearly reveals that no injury has been attributed to the petitioner. The said para 5 reads as follows:-

“That during the investigation it was found that the present Petitioner along with his other associates, after crossing the Gate of Phase-2 proceeded towards Security Ward- 'E', and was part of the mob who inflicted injuries on the person of Simranjit Singh alias Simar in the jail premises with deadly rapons, who died later in the hospital during his treatment. The Petitioner was part of the mob on 13.07.2023 at around 7.30 am along with his associates, the mob inflicted serious injuries with deadly weapons on the person of Simranjit Singh alias Simar r/o Dhirpur, District Jalandhar and three of his companions who were kept by jail authorities in Ward no. 17 in the jail. The petitioner and his companions in order to end the deceased hatched a conspiracy and decided to eliminate him and in furtherance of the common object came out of the barracks in the shape of mob armed with sharp and blunt deadly weapons and entered into Barricade no. 17 to cause murder of Simranjit Singh and to cause injuries to three companions of the deceased. The motive behind the occurrence is old rivalry between the above hardened criminals with the deceased. No particular injury was attributed to the petitioner. Simranjit Singh was attacked by the Mob who inflicted injuries.”

7. The crime was murder of inmates in jail. There were two groups of people, in one group the people were included who were only witnessing the crime without participating and other group which was participating and out of whom some were also inflicting injuries. The present petitioner belongs to the second group where persons participated in the crime and inflicted injuries. Thus if no injury is attributed to the petitioner, this is not a ground to grant bail to the petitioner.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of

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crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 01 year & 06 months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is imprisonment for life/death.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.