



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234 +237

Date of decision: 21.11.2025

1. CRM-M-19701-2025

SOBAL KAPOOR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

2. CRM-M-54524-2025

SANDEEP SINGH ALIAS SANJAY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

3. CRM-M-63723-2025

ADITYA @ NONI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Gaurav Jain, Advocate



for the petitioner in CRM-M-19701-2025.

Mr. J.S. Bhandohal, Advocate
for the petitioner in CRM-M-54524-2025.

Mr. Priyanshu Kamra, Advocate
for the petitioner in CRM-M-63723-2025.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. This order shall dispose of above noted three petitions, as the same have emanated out of the same occurrence.
2. Present petitions under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been filed for grant of regular bail to the petitioners in case FIR No.125 dated 28.08.2023, under Sections 302, 506, 148 and 149 of IPC, registered at Police Station P.S. Lahori Gate Division No.4, District Patiala.
3. The present case was registered on the basis of complainant given to the police by Harmeet Singh with the allegations that he is working as Safae Sewak with police department. He has two sons namely Pritpal Singh and Parminder Singh and one daughter namely Gurpreet Kaur. At about 10:00 pm, on 28.08.2023, his son's friend namely Gurwinder Singh informed him telephonically that a boy namely Sobal (petitioner) and his 7-8 accomplices are causing injuries to his son Pritpal @ Prince with swords and baseball bats in the parking of PNB Bank, SST Nagar, Patiala, on which he reached the spot on his motorcycle and saw that one fat looking boy, who was being addressed as Sobal, attacked two-three times with the sword on the head of his son (Prince). His accomplices had



also caused injuries to his son with swords and baseball bats. He cried for help and raised an alarm, on which passer-byers started gathering and thereafter, Sobal and his accomplices ran away from the spot in their car and motorcycles. Thereafter, he took his son to the hospital but he died during the treatment. He alleged that Sobal and his friends have committed the murder of his son. Later on, one of the friend of his son told Sobal's full name as Sobal Kapoor and name of his accomplices as Sandeep (petitioner), Abhishek Bisht, Aditya (petitioner), Gurminder Singh. He further stated that he can also identify the remaining unknown persons. The reason for enmity is that Gavy a friend of his son Prince had an enmity with Sobal over some accounts and he sought action against them. After registration of FIR, matter was investigated, petitioners were arrested on 28.08.2023. and challan has been presented for trial.

4. I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

5. Learned counsel for the petitioners argued that petitioners have been falsely implicated in the present case. The offence in question was committed by unknown persons. The occurrence was not witnessed by complainant-Harmit Singh and a false version has been put-forward by him that he had witnessed the occurrence. They further contended that it is highly improbable that complainant would have reached the place of occurrence, after hearing about the assault and that the assault would have been continuing till his arrival at the scene of crime. Learned counsel next contended that the trial Court has made numerous efforts to secure the presence of the complainant to examine him during the trial but he is



evading his presence and is prolonging the trial. Learned counsel has referred to various zimni orders passed by the trial Court and has argued that on 02.07.2025, the wife of the complainant had appeared and had made a statement that complainant is unable to come to the Court, due to his ill-health and he sought adjournment but the Court directed him to produce the complainant for his examination on 07.07.2025. On 07.07.2025, also the complainant did not appear and an application for exemption on his behalf was moved and learned counsel for the complainant was directed to produce the complainant on the next date and case was adjourned for 10.07.2025. Thereafter, the matter was adjourned to 17.07.2025, on which date also the complainant did not appear before the learned trial Court and his non-bailable warrants were ordered to be issued for 25.07.2025. On 25.07.2025, he purposely appeared, as the Presiding Officer was on leave and file was put up before Link Judge and he got his presence recorded. He was bound down for 04.08.2025 and case was adjourned for prosecution evidence. On 04.08.2025, also the Presiding Officer did not hold the Court and the matter was adjourned for 06.08.2025. On 06.08.2025 also, complainant and one witness namely Harpreet singh appeared but Presiding Officer was on leave and case was adjourned for 18.08.2025. On 18.08.2025, the complainant appeared and after he was partly examined, learned counsel for the complainant sought an adjournment for moving an application under Section 319 Cr.P.C and thereafter, the case was adjourned to 21.08.2025. On 21.08.2025, an application under Section 319 Cr.P.C was filed and case adjourned to 25.08.2025. On 25.08.2025, case was adjourned to 30.08.2025, after partly hearing the arguments on the application. Learned counsel



also contended that vide order dated 30.08.2025, the application under Section 319 Cr.P.C has been partly allowed and one Jagmeet Singh has also been summoned to face the trial and after he appeared, the trial has started de novo. Learned counsel further contended that petitioners are in custody since 28.08.2023 and since trial will start de novo, it will take a long time to conclude and further incarceration of the petitioners in custody shall be violative of their right to personal liberty as enshrined under Article 21 of the Constitution of India. Learned counsel for the petitioners Sandeep and Aditya next contended that Harmeet Singh-complainant while appearing as PW5 has not identified any of the accused, except petitioner-Sobal Kapoor and has categorically stated that he cannot identify other accused, who have been arrayed as accused in the present case. He further stated that Sandeep Singh (petitioner) was not involved in the present case. Learned counsel contended that since trial is likely to take a long time to conclude, further detention of the petitioner is not required and they may be released on bail.

6. On the other hand, learned State Counsel argued that allegations against the petitioners are serious in nature. Petitioner-Sobal Kapoor alongwith his accomplices had inflicted injuries on the deceased, resulting in his death. The occurrence was witnessed by complainant and he has specifically named Sobal Kapoor as the assailant and even during his examination, as PW5, he has levelled specific allegations against the petitioner-Sobal Kapoor. In case he is released on bail, he will try to win over or intimidate the witnesses. Learned State counsel further contended that mere long incarceration is not a ground for bail in the

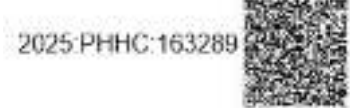


offence of the present nature and the petitioners do not deserve the concession of bail and the bail application be dismissed.

7. Petitioners namely Sandeep Singh and Aditya have not been named in the FIR. Complainant has been examined as PW5 and he has categorically stated that Sandeep Singh was not involved in the present case and he cannot identify the other accused persons, who have been impleaded in the present case as assailants but he had identified arrested Sobal Kapoor, as the person who has caused injuries has his son with kirpan. As such, there are serious allegations against the petitioner-Sobal Kapoor and he has been specifically named as one of the assailants, who inflicted injuries on the person of deceased with a kirpan. No doubt, the trial will start de novo and petitioners are in custody since 28.08.2023 but this circumstance alone is not sufficient to release the petitioner-Sobal Kapoor on bail in view of the gravity of the offence. Rather, in case he is released on bail, he may try to win over or intimidate witnesses and in these circumstances, petitioner-Sobal Kapoor is not entitled to be released on bail.

8. However, complainant while appearing as PW5 has not identified petitioner namely Sandeep Singh @ Sanjay and Aditya @ Noni to be amongst the assailants. They have also not been named in the FIR. Petitioners Sandeep Singh @ Sanjay and Aditya @ Noni are in custody since 28.08.2023 and no useful purpose will thus be served by keeping them in custody and they deserve to be released on bail.

8. As a result of the aforesaid discussion, bail application moved by the petitioner namely Sobal Kapoor is hereby dismissed.



9. The bail applications of petitioners Sandeep Singh @ Sanjay and Aditya @ Noni are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.
10. A photocopy of this order be placed on the files of the connected cases.

21.11.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No