



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21339-2025

Reserved on: 4th November, 2025

Pronounced on: 12th November, 2025

Shamsher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Ghuman, Advocate for the petitioner.
(thorough VC)

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. S.S. Momi, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 17 dated 05.02.2024 registered under Sections 302, 307, 427, 148, 149 of IPC and Section 25 and 27 of Arms Act, 1959 at Police Station B Division, District Amritsar.

2. As per the allegations, on the evening 04.02.2024, the victim Harmanjeet Singh son of Jasbir Singh was flying kites on the roof of house of his friend Robin Roy. His other friends were accompanying him. The accused Parminder Singh Bedi and Aditya Bedi were also flying kites on the roofs of their house. Accused Jangraj Singh @ Lal was also accompanying



them. On seeing the complainant and his companions, they started making exhortations and abusing them. His son came home and told about this fact to the complainant. In the meanwhile, Robin Roy and Amritpal reached there and took victim Harmanjeet Singh on Aactiva vehicle along with them. While on the way, they were intercepted by the present petitioner and the co-accused. Accused Aditya Bedi raised a *lalkara* to catch hold of the victim-Harmanjeet Singh and his friend Robin and thereafter, accused Parminder Singh Bedi and Jugraj Singh fired shots with pistol upon the victim and his friend. One bullet hit the victim Harmanjeet Singh, another bullet hit car of a passer by. On clamour being raised by them, the assailants fled from the spot. The injured was taken to the hospital but succumbed to his injuries.

3. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of Harmanjeet was conducted. The present petitioner was arrested on 05.02.2024 along with the co-accused Aditya Bedi and Jugraj Singh. He suffered disclosure statement admitting his involvement in the crime. The co-accused were also arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The only allegation against him is that he was present at the place of occurrence. No injury has been attributed to him. Rather the injuries fatal to the victim have been attributed to the co-accused Parminder Singh Bedi and Jugraj Singh. He is father of the accused Parminder Singh Bedi. No recovery has been effected from him. The trial is likely to take considerable time as no prosecution witness has been examined so far. He is in custody for a period of over one year and nine



months. His further incarceration would not serve any useful purpose. He has clean antecedents. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

5. *Per contra*, learned State counsel has argued that allegations against the petitioner are serious in nature as he formed membership of an unlawful assembly with the co-accused and it was in prosecution of common object of that unlawful assembly that shots were fired upon the victim Harmanjeet Singh and he had died. It is, therefore, urged that the petition does not deserve to be allowed.

6. Reply has also been filed on behalf of the complainant. Learned counsel for the complainant has argued that the allegations against the petitioner are quite serious. He was very much present at the spot. The son of the complainant was surrounded by the petitioner and the other accused and was assaulted by them. The complainant and other material eye-witnesses have been receiving threat calls from the petitioner and co-accused. The accused Daljeet Singh had been extended benefit of bail but application for cancellation of bail is pending before this Court as he misused the concession of the same by intimidating witnesses and tampering with evidence. The complainant is being threatened with dire consequences with the co-accused and on behalf of the petitioner as well. The allegations against him are quite serious in nature. There are chances of his intimidating the witnesses or fleeing if extended benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

7. This Court has heard learned counsel for the parties at considerable length.



8. The petitioner is alleged to be a member of an unlawful assembly formed with the co-accused two of whom are his sons and in prosecution of common object of that unlawful assembly to eliminate the victim Harmanjeet Singh, firearm injuries were caused to him which proved fatal and resulted in his instantaneous death. The allegations *prima facie* reveal the presence of the petitioner at the spot and his participation in the incident. He has been linked to the acts attributed with the aid of Section 149 of IPC which has following three ingredients:-

1. There must be an unlawful assembly;
2. Commission of an offence may be by any member of the unlawful assembly; and
3. 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.

9. From a 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.

10. In the instant case, the petitioner along with the co-accused had



encircled/intercepted the victim Harmanjeet Singh when he along with his friend Robin was on the way to his house. A shot with a firearm was fired at the victim which resulted in his death. The allegations *prima facie* show the common object of members of the assembly including the petitioner and his complicity in the crime. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. He is *prima facie* liable under the principle of vicarious liability. 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 IPC. 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 applicant's role in the incident, the recovery of the weapon of offence at his instance, his involvement in another case, and the reasonable apprehension of his absconding or tampering with evidence, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

11. It is clarified that any observation made in this order is only for



deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

12. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th November, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |