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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22858 of 2025
Date of Decision: 14.11.2025
Reserved on: 06.11.2025

Surinder Singh @ Chinda Palwan ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Sharma, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

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

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
180	14.08.2024	Patran, District Patiala	109, 351(3), 324(4), 126(2), 309(4), 191(2), 190, 117(3) and 118(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis

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of statement recorded by the complainant Amandeep Singh to the effect that he had been in contact with the accused Gurpreet Kaur from the last few years. A dispute had arisen between them which was resolved through common acquaintances. However despite that, Gurpreet Kaur had been extending threats to him. He alleged that on 13.08.2024, he received a call from Gurpreet Kaur who asked him to meet her and then he had gone to meet her near Pir Babaji at Haamjhed road bypass. He found Gurdeep Kaur to be present there in their Endeavor car. One unknown youth and another girl Golu known to him, were occupants of the vehicle. Gurpreet Kaur and the other occupants, caught hold of him and threatened that they would kill him. In the meanwhile, four youths reached there in a Scorpio vehicle and while damaging his vehicle, inflicted injuries on his person with iron rods and extended beatings to him. He tried to escape by running towards Patra city. He met his friends Ravinder Singh and Daljit Singh on the way. The accused reached there and assaulted him with rods. The occupants of Scorpio car also reached there. Accused Jasvir Singh and Nikhil Ragda along with two unknown youths also opened an assault upon the complainant. Accused Nikhil Ragda fired a shot with pistol at Ravinder Singh and thereafter the assailants managed to escape. The complainant and other injured Ravinder Singh were rushed to hospital.

3. After registration of FIR, investigation proceedings were initiated. The accused Nikhil Ragda and Jasveer Singh were arrested on 16.08.2024. They were interrogated and suffered disclosure statements on the basis of which the present petitioner and Gursewak Singh were

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nominated as additional accused. The petitioner was arrested on 31.08.2024. He too suffered disclosure statement admitting his involvement in the crime and got recovered one iron rod used in the crime. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. No specific injury or overt act has been attributed to him. He is in custody since 31.08.2024. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

5. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner. He is a habitual offender as two other cases have been registered against him. There are chances of his intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, injuries were caused to the complainant and his companion Ravinder Singh. The complainant sustained several injuries on his person. His left leg has been amputated due to impact of the injuries so sustained and he has suffered a permanent disability. The

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presence of the petitioner stands prima facie established from the CCTV footage of the camera installed at the place of occurrence. He was an active participant in the crime. He has also been linked to the crime with the aid of Section 190 of BNS. The ingredients of this provision are that there must be an unlawful assembly, commission of an offence may be by any member of the unlawful assembly; and such offence must have been committed in prosecution of common object of the assembly and must be such as members of the assembly knew to be likely to be committed. 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 unlawful assembly. Under this provision, 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 before hand that the offence actually committed or likely to be committed in prosecution of the common object. Such knowledge may be collected from the nature of the assembly, weapon used or behaviour at or before the scene of action.

8. In the instant case, the petitioner along with the co-accused formed membership of an unlawful assembly and was an active participant in the same. Though he was not named specifically in the FIR and was mentioned as an unknown youth, however, his name was disclosed subsequently. He had assaulted the victim by continuously hitting him on his left leg thereby leading to amputation of the same. The allegations against the petitioner are serious in nature. While length of incarceration is a factor that weighs with the Court for considering bail, it cannot overshadow the



gravity of the accusation. He is a man of criminal antecedents and is a convict under Section 15 of NDPS Act. Keeping in view his antecedents, the nature of the accusations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances coupled with the fact that the complainant and material witnesses are yet to be examined and there is a reasonable apprehension of his tampering with evidence or intimidating the witnesses, this Court finds no compelling ground to grant bail to the petitioner at this stage. Accordingly, the petition is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No