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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36682-2024 (O&M)

Vishal Sandhu @ Tinku ... Petitioner

Vs.

State of Haryana ... Respondent

1.	The date when the judgment is reserved	10.11.2025
2.	The date when the judgment is pronounced	29.11.2025
3.	The date when the judgment is uploaded on the website	29.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General,Haryana.

Mr. Sartaj Singh Narual, Sr. Advocate with
Mr. Jaskaran Singh, Advocate,
Mr. G.S. Dhillon, Advocate,
Mr. A.S. Sandhu, Advocate and
Ms. Gurpreet Kaur, Advocate for the complainant.
...

Manisha Batra, J. (Oral).

1. This is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in case bearing FIR No.78 dated 16.12.2020,

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registered under Sections 148, 149, 302, 307, 323 IPV and Sections 25 and 27 of the Arms Act (offences under Sections 201, 324, 325 IPC and Section 30 of the Arms Act were added later on), at Police Station Munak, District Karnal.

2. The adumbrated facts as emanating from the record are that on 16.12.2020, on receipt of a telephonic information regarding apprehension of some altercation to take place between the members of Kisna Pana of village Gagsina and of members of rival party over some land dispute, a police party headed by SI Kuldeep Singh reached at village Gagsina–Kapro road, where a huge crowd of people was found to be present. On reaching there, dead bodies of two persons, namely, Dilbagh and Parveen were found lying at the spot. Complainant – Virender Singh, who was present there, submitted a written complaint that some land belonging to members of Kisna Pana was abetting on the road proceeding from village Gagsina to Kapro and accused Yudhvir, Jasbir, Randhul, Ram Mehar, Dilbagh and Kuldeep had taken possession of the said land, in an illegal manner. On the same day, some respectable members of Kisna Pana including the victims, had reached at the disputed land and were getting the foundation dug through some JCB machine for raising construction of a wall, when the accused persons including the present petitioner accompanied by several other persons reached there. They were armed with weapons and they opened an assault upon the members of the complainant party with their respective weapons after making exhortations. The shots raised with firearms had injured Parveen, Balraj and Dilbagh, who had died at the spot. Other members of their party had also sustained several injuries. The dead body of Balraj had already been sent to CHC, Gharonda. After registration of

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FIR, investigation proceedings were initiated.

3. As per the further allegations, post mortem examination of the dead bodies of the victims, was conducted. During the course of investigation, statements of witnesses under Section 161 Cr.P.C. were recorded. The petitioner was arrested on 20.12.2020. He moved application for grant of bail, which was dismissed. The first petition as filed by him before this Court had been dismissed as withdrawn vide order dated 09.11.2023.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The prosecution version is suffering from material inconsistencies. There is no direct evidence to connect the petitioner with the subject offences. His presence at the spot and participation in the occurrence has not been established as the complainant while appearing as PW6 did not attribute any overt act and injury to him and also did not name him. Infact there was a dispute between the members of the complainant party and accused Ram Mehar and Yudhvair with regard to some land and status quo order had been passed in favour of accused Ram Mehar and Yudhvair but the members of the complainant party including the victims had reached at the disputed property and had demolished the boundary walls of the construction raised by accused Ram Mehar in his house. They had dug foundation forcibly. The petitioner was not the aggressor rather the members of the complainant party were the aggressors. Though, in the FIR, he was alleged to have armed with a firearm but recovery of *lathi* had been allegedly effected from him. No injury whatsoever to the deceased has been attributed to him. The trial will take considerable time to conclude as out of 73 witnesses, only 08 have been

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examined so far. 21 out of 40 persons named in the FIR had been found to be innocent. No useful purpose would be served by continued detention of the petitioner. It is, therefore, urged that the petition deserves to be allowed.

5. It is relevant to mention here that vide order dated 12.12.2024, the petitioner had been extended benefit of interim bail

6. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are specific and serious allegations against the petitioner. It is a case of triple murder. The petitioner was a member of an unlawful assembly formed with co-accused and had assaulted the victims and other members of complainant party. The victims had succumbed to firearm injuries sustained at the hands of the accused. There are chances of the petitioner's intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

8. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, injuries were inflicted on the members of the complainant party. These injuries proved fatal for the three victims namely, Parveen, Balraj and Dilbagh, who had succumbed to the same. Several other persons were injured in the same incident. No injury by the members of the party of the petitioner is shown to have been sustained. The allegations prima facie reveal the presence of the petitioner at the spot with weapon and his participation in the occurrence. He has been linked to the acts attributed with the aid of Section 149 IPC, which has

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the following 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. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof, the members of the complainant party were attacked. Three of them namely, Parveen, Balraj and Dilbagh succumbed to the firearm injuries and other injuries so sustained whereas the other members sustained simple as well as grievous injuries. The allegations prima facie show the clear involvement/participation of the petitioner in the occurrence while having knowledge that such offences were likely to be committed in prosecution of common object. 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 gravity of the accusation of murder under Section 302 IPC. The material witnesses are yet to be examined. Simply because one of the witness, namely, Virender Singh has not taken the name of the petitioner, he cannot be considered to be innocent

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specially in view of the fact that another witness Dhan Singh while appearing as PW7 has categorically deposed about the presence of the petitioner at the spot with a gun. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. 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 material witnesses 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.

10. In light of the foregoing legal principles and other circumstances as discussed above, this Court finding no compelling ground

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to allow this petition. Accordingly, the petition is dismissed.

11. The petitioner, who is on interim bail in pursuance of order dated 12.12.2024, is directed to surrender within a period of one week from today before the learned trial Court, failing which, the learned trial Court shall be at liberty to initiate proper proceedings for securing his presence in the Court.

12. 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.

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

(MANISHA BATRA)
JUDGE

29.11.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No