



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-44140-2025

Date of decision: 6th November, 2025

Bhanu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Mahavir Chauhan, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 91 dated 19.08.2024 registered under Sections 103(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station City Batala, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 16.08.2024, on receipt of information from Civil Hospital, Batala, regarding the admission of two persons, namely Saurav Vohra and Sonu, in the hospital in an injured condition, a police party reached there and obtained an opinion from the doctor regarding the condition of the injured, who were opined to be fit to record their statements.



However, when contacted, both of them stated that talks for settlement of the matter, with intervention of some respectable persons, were going on, and therefore, they did not want to give their statements at that point of time. Then, on 18.08.2024, the complainant Anita Vohra recorded a statement that on 12.08.2024, her son Saurav had a trivial altercation with the petitioner and co-accused Sunny Khosla, Amar Khosla, Raman, Sonu Hawa, and Golu. On 13.08.2024, she along with her son Saurav had gone to the market, and while they were returning home, they were waylaid by the petitioner and the above-named accused. Accused Sunny made an exhortation to catch Saurav for messing with them and to teach him a lesson, and then all of them assaulted him by causing injuries with the respective weapons which they were carrying. The petitioner struck two blows with a *datar*, thereby injuring the arms/elbows of the victim. On clamour being raised by her, the assailants fled away. She further recorded that initially her son was admitted at Civil Hospital, Batala, but since his condition was critical, he was referred to Guru Nanak Dev Hospital, Amritsar, and the doctors advised surgery on 16.08.2024 and fixed the date for 20.08.2024. She informed that on 18.08.2024, the condition of the victim Saurav worsened, and when he was taken to the hospital, he was declared brought dead. While alleging that the petitioner and co-accused were responsible for the death of her son, she prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the body of the victim was conducted. The accused Amar Khosla, Sunny, Sonu, and Raman Kumar were arrested on 20.08.2024. The petitioner was arrested on 06.12.2024. Investigation now



stands completed and the petitioner, along with the co-accused, is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injuries which are proved fatal have not been attributed to him, but to co-accused Sunny and Amar Khosla, both of whom were armed with *datars*. As per the medico-legal report, only one injury on the person of the victim was a sharp incised wound, and the other injuries were declared simple in nature. As per the post-mortem report, the cause of death of the victim was failure of heart and lung functions resulting from embolism linked to injury no. 6, which has not been attributed to the petitioner. There is a delay of five days in registration of the FIR, which has not been satisfactorily explained, thereby causing a serious dent in the truthfulness of the prosecution story. The injured were found medically fit on 16.08.2024. The petitioner is in custody since long. His further incarceration would not serve any useful purpose. His involvement in another case cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

5. *Per contra*, learned State counsel has argued that the petitioner, by forming membership of an unlawful assembly with the co-accused had voluntarily caused injuries to the victim Saurav resulting in his death. The petitioner was an active participant in the occurrence. His antecedents are not clean, as he is involved in one more case registered under Section 326 of IPC. The material witnesses are yet to be examined. There are chances of the petitioner intimidating the witnesses or absconding if extended the benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.



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

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 victim which proved fatal and resulted in his unnatural death two days after the incident i.e. on 18.08.2024. The allegations prima facie reveal the active participation of the petitioner in the incident. The injury No.6 which as per the medical opinion could be cause of death of the victim which was due to failure of functions of heart and lungs as a result of embolism might have not been attributed to the petitioner, however, the petitioner has been linked to the act 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.

8. 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.

9. In the instant case, the petitioner along with the co-accused had intercepted the victim when he along with his mother was returning home and had opened an attack upon him which prima facie shows the common object of the members of the assembly including the petitioner. The allegations against the petitioner are serious in nature as he along with the 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 seriousness of the accusation of murder under Section 302 IPC. The petitioner is involved in one more case registered under Section 326 of IPC. Keeping in view his antecedents, there exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing witnesses or tampering with evidence. 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.

10. 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.

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

[MANISHA BATRA]
JUDGE

6th November, 2025

Parveen Sharma

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