

2025:PHHC:155563



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49278 of 2025
Date of Decision: 11.11.2025
Reserved on: 04.11.2025

Deepu @ Dhananjay ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

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
66	12.04.2022	Tibba, District Police Commissionerate, Ludhiana	307, 341, 323, 427, 506, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959

2. As per the allegations, on the evening of 11.04.2022, the complainant was present in his house when some youths gathered outside the road in front of the same. They were in drunken condition and were using abusive language in loud voices. The complainant came outside and found 13-14 motorbikes to be parked there. The accused Chetan and

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Pankaj Rajput who were already acquainted with him, were present there along with some other boys. When the complainant told them to not raise their voices and use abusive language, they felt offended and accused Chetan pulled his beard. Several persons reached there and saved him. Sometime thereafter, when his son along with his daughter was coming back towards his house, the accused Deep, Chetan, Pankaj Rajput, Arman and 14-15 unknown persons, intercepted them and started hurling with him. He somehow managed to reach back home and thereafter on the same night, the accused assaulted the complainant and his family members. Accused Chetan and Pankaj Rajput fired shots with pistol. One bullet hit his nephew. Another shot fired by accused Pankaj Rajput hit Parminder Singh son of his friend. The assailants made exhortations while firing shots and then left place after damaging the car of the complainant and some other cars lying parked there. On the basis of statement of the complainant Jasbir Singh, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. As per the further allegations, during the course of investigation, the accused Arman Singh and Deepak @ Deep were arrested. On their nomination, Pankaj Sharma and Bobby Kumar were nominated as additional accused who were arrested on 15.04.2022. On the basis of disclosure statements of accused Pankaj Sharma and Bobby Kumar @ Bobby Pandit, the present petitioner along with Karan Kumar, Neeraj Dhaliwal and Prince, Grewa were nominated as additional accused. Some other accused were also arrested. Investigation now stands completed.

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been falsley implicated in this case. There is delay of one day in lodging of the FIR which has created a serious doubt about the truthfulness of the version of the complainant. The petitioner was not named in the FIR. No motive has been attributed to him. He is in custody since 03.09.2024. No recovery has been effected from him. The co-accused Pankaj Sharma and Bobby Kumar have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. No specific attribution has been made to him. His continued detention 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 Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of 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 thereof, is alleged to have assaulted the complainant and his son. He was nominated as accused on the basis of disclosure statement of the co-accused. No specific overt act or weapon has been attributed to him. Though as per the status report, he is involved in five other cases, however, on the basis of the same, he cannot be denied benefit of bail. He has been linked to the crime with the aid of Section 149 of IPC. No doubt, under this section,

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 was likely to be committed in prosecution of common object. Such knowledge has to be reasonably collected from the nature of the assembly, arms or behaviour at or before the scene of action. The fact that the petitioner was not named in the FIR and has been nominated on the basis of disclosure statement of the co-accused coupled with the facts that no specific overt act or weapon has been attributed to him, he is in custody for a period of over 1 year and 2 months, the co-accused Pankaj Sharma and Bobby Kumar on whose disclosure, he has been nominated have already been extended benefit of bail and the attendant facts peculiar to the case and given the nature of the allegations as levelled against him, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

11.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No