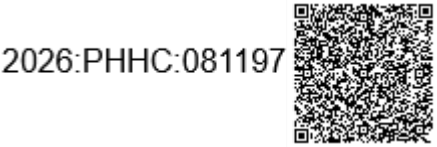


IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH



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CRM-M-3403-2026 (O&M)

Sarabjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

|    |                                                                                                      |                |
|----|------------------------------------------------------------------------------------------------------|----------------|
| 1. | The date when the judgment is reserved                                                               | 19.05.2026     |
| 2. | The date when the judgment is pronounced                                                             | 22.05.2026     |
| 3. | The date when the judgment is uploaded on the website                                                | 22.05.2026     |
| 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. Supneet Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. P.S. Dhaliwal, Advocate for the complainant.

...

**Manisha Batra, J. (Oral).**

1. The instant one is the third petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.100, dated 16.12.2024, registered under Sections 103(1), 109, 118(1), 118(2), 115(2), 126(2), 191(3), 190 and 238 of the BNS and Sections 27 and 30

of the Arms Act, at Police Station Bhadaur, District Barnala. His first petition bearing CRM-M-26461-2025 had been dismissed as withdrawn on 20.05.2025 whereas the second petition bearing CRM-M-40039-2025 has been dismissed s withdrawn on 14.11.2025.

2. As per the allegations, on the evening of 15.12.2024, the complainant – Amarjit Singh @ Ambu along with his brother Gurmail Singh and son Sukhjit Singh was present in his house and was having conversation with them when suddenly, accused Gurcharan Singh Mann armed with a rifle accompanied by accused – Ranjit Singh @ Mithu, Jasvir Singh, Baljit Singh, Nirpal Singh, Narain Singh, Satwinder Singh @ Falla, Lakhvir Singh came there. They were armed with weapons and opened assault upon them. Accused Lakhvir Singh struck blows with a sword on Sukhjit Singh i.e. son of the complainant and accused Satwinder Singh struck blows with *gandasa* on his person. The complainant rushed for rescue of his son but had sustained injuries at the hands of Baljit Singh, Nirpal Singh and Sukhman Singh. Thereafter, accused Jasvir Singh made an exhortation and struck a blow with a *barcha* in the abdomen of Sukhjit Singh with an intent to kill him whereas accused Nirpal Singh struck a blow with *ghop* with an intent to kill him. Both of them had fallen down and raised alarm. Accused Gurcharan Singh started firing with his rifle and then the petitioner accompanied by Avtar Singh, Iqbal Singh, Pardeep Singh, Jashandeep Singh, Akashdeep Singh, Ranjit Singh @ Mithu, Amritpal Singh, Lakhwinder Singh, Bhinder singh and some unknown persons, all of

whom armed with deadly weapons, extended beatings to the complainant, while hurling abuses to them, whereas Kulwinder Singh fired shots with the revolver. The victim Sukhjit Singh succumbed to the injuries sustained by him.

3. As per the further allegations, accused Daljit Singh, Pardeep Singh, Satwinder Singh, Narain Singh, Nirpal Singh, Jasvir Singh and Lakhwinder Singh and Ranjit Singh were arrested. The petitioner was arrested on 28.12.2024. Some of the persons named in the FIR were found to be innocent. Investigation now stands completed and challan stands presented against the petitioner and 08 other accused, who are 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. No specific overt act has been attributed to him. Infact, he was not even present at the post and has been implicated due to party fraction. The complainant has been examined as PW1. He has deposed that Sarabjit Singh S/o Ajmer Singh was armed with a stick, whereas the name of the father of the present petitioner is Sukhdev Singh, which shows that he had not even been named in the FIR. His implication was on account of party fraction in the village. He is in custody since long. The trial will take considerable time to conclude as only 01 out of 59 prosecution witnesses has been examined so far. No specific injury has been attributed to him. His continued detention would not serve any useful purpose. His antecedents are clean. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. 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, which resulted in death of son of the complainant. The petitioner has been linked to the acts attributed with the aid of Section 190 of the BNS. Though, as per the allegations, he was found present with a stick at the place of occurrence, however, the name of his father has been mentioned as Ajmer Singh instead of Sukhdev Singh. In his petition, the petitioner has taken a specific plea that the name of his father is Ajmer Singh and he was not named in the FIR. This fact has not been specifically controverted in the status report. As such, it is a debatable question as to whether the petitioner was infact a part of unlawful assembly which had committed the subject offence. Moreso, his mere presence at the scene of crime without any specific attribution having been made to him cannot be imputed the same level and culpability as imputed to other accused. In case of group violence, individual roles are required to be established. The absence of such offence against the petitioner militates against the denial of bail. A reference in this regard can be placed upon the decision of the Hon'ble Supreme Court in

**Ranjit Singh Vs. State of Madhya Pradesh, (2011) 4 SCC 336.**

8. Keeping in view the above discussed facts and circumstances, this Court is of the considered opinion that the petitioner, who is in custody since 28.12.2024 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.

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

10. Pending application(s), if any, shall also stand disposed of.

**(MANISHA BATRA)**  
**JUDGE**

**22.05.2026**

*harjeet*

|                             |        |
|-----------------------------|--------|
| Whether speaking/reasoned : | Yes/No |
| Whether reportable :        | Yes/No |