

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

2026 PHHC 073304



CRM-M-5804-2026 (O&M).
Date of decision: 11.05.2026.

ROSHAN

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Gaurav Datta, Advocate, with
Ms. Srishti S. Sharma, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.572 dated 27.12.2024, under Section(s) 103(1), 109, 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (Section 111(2) and 61(2) of BNS, 2023, added later on), registered at Police Station Zirakpur, District S.A.S. Nagar. The first petition seeking grant of regular bail

was dismissed as withdrawn vide order dated 14.10.2025.

Status report on behalf of respondent-State has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner contends that the case of the prosecution is based upon the complaint made by Rajwinder son of Sukhdev Singh to the effect that he had returned from Saudi Arabia and had come to Zirakpur in search of work. His friend Akashdeep @ Deep son of Navtej Singh met him. On 26.12.2024 at about 9:00 P.M., he along with his friend Akashdeep @ Deep went to Zirakpur to have meals. When they went near the liquor vend, approximately 10-12 boys, who were standing there, started staring at them. Akashdeep Singh asked them as to why they had been doing so upon which one of them said that his name was Seemu Lohgarh and that remaining persons belonged to his gang and that nobody could question as to who they were. They further told him that they would teach him a lesson and all the boys starting saying in the same voice that the complainant and his friend Akashdeep should be killed so that their terror in the area continues. All the aforesaid boys were armed with sharp edged weapons and they attacked Akashdeep @ Deep. They also attacked the complainant and inflicted injuries. When the complainant tried to escape, the accused nabbed Akashdeep @ Deep and murdered him in front of his eyes. When people gathered at the spot, the accused ran away along with their respective weapons.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 02.01.2025 and has already undergone an actual custody of nearly 01 year and 04 months. He contends that no witness has been examined so far and that there are total 21 witnesses cited by the prosecution. He contends that the petitioner has no criminal antecedents. He places reliance on

the CCTV footage to contend that the said person was not present at the time of the occurrence and that the CCTV footage clearly rules out the presence or involvement of the petitioner. He submits that the petitioner has not been attributed any injury. It is argued that Seemu Lohgarh was arrested on 28.12.2024 whereupon his disclosure was recorded which led to the arrest of Honey. He contends that the name of the petitioner was recorded in the disclosure statement of said Honey and the only role attributed to the petitioner is that he exhorted the other co-accused. He contends that the presence of the petitioner is not reflected in the CCTV footage and the worst case against the petitioner is only to the effect that he exhorted the other co-accused to cause the death of Akashdeep @ Deep. It is submitted that other co-accused have also clean antecedents. He submits that when there is no other case even against the other co-accused, the question of organised crime would be a debatable issue during the course of the trial.

State counsel, on the other hand, contends that the petitioner was present at the time of occurrence as per the CCTV footage collected during the course of investigation. He, however, does not dispute the facts as noticed above including the period of custody and the role attributed to the petitioner.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration the undisputed facts as aforesaid, arguable issues with respect to the participation of the petitioner in sharing his intention with the other co-accused, the role of having only exhorted other co-accused and not having caused any injury to deceased or anybody else, the period of custody undergone by the petitioner, his clean antecedents, his young age of 25 years and the stage of the trial, I deem it appropriate to allow the present petition.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

May 11, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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