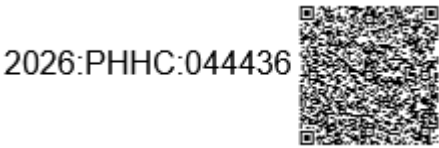


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-9994-2026 (O&M)

Nirpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	17.03.2026
2.	The date when the judgment is pronounced	20.03.2026
3.	The date when the judgment is uploaded on the website	20.03.2026
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: Ms. Sukriti Jain, Advocate for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. This petition has been 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.100 dated, 16.12.2024, registered under Sections 103, 109, 118(1), 115(2), 126(2) and 238 of the BNS and Sections 27

and 30 of the Arms Act, at Police Station Bhadaur, District Barnala.

2. As per the allegations, on the evening of 15.12.2024, complainant – Amarjit Singh @ Ambu was present in his house and was having conversation with his brother Gurmail Singh and son Sukhjit Singh @ Giani, when the present petitioner accompanied by co-accused armed with weapons entered inside his house and opened an assault upon the complainant and his family members and caused injuries to them. The petitioner struck blow with a *danda* on the right arm of the complainant whereas others also caused injuries to him, his brother and son. Accused Narain Singh struck a blow with a '*ghop*' with an intent to kill him. The complainant and his son fallen on the ground. On clamour being raised, some other members of the party of the assailants along with unknown persons reached there and extended beatings to the complainant and others while hurling abuses. Accused Kulwinder Singh fired a shot with his revolver. Son of the complainant, namely, Sukhjit Singh succumbed to the injuries so sustained.

3. After registration of the FIR, investigation proceedings were initiated. Accused Daljit Singh and Pardeep Singh were arrested on 16.12.2024. Some other accused were also arrested on 18.12.2024, 20.12.2024 and 28.12.2024. The petitioner was arrested on 20.12.2024. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is alleged to have struck only one injury on the person of complainant – Amarjit Singh which has been opined to be simple in nature. No other overt act has been attributed to him. The injury so sustained was on the non vital part of the body of injured. The ingredients for commission of offences punishable under Section 103 and 109 of the BNS are

not attracted against the petitioner at all. He is in custody since 20.12.2024. the trial will take considerable time to conclude as only 01 out of 59 prosecution witness has been examined so far and that too partly. His further incarceration would not serve any useful purpose. His antecedents are clean. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel has vehemently argued that keeping in view the gravity of 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 including victim-Sukhjit Singh, who had succumbed to the same. Several other persons were injured in the same incident. The allegations *prima facie* reveal the presence and active participation of the petitioner in the occurrence. He has been linked to the acts attributed with the aid of Section 149 IPC, which has 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.

8. The petitioner along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. The

allegations *prima facie* show his involvement in the occurrence while having knowledge that such offences are likely to be committed in prosecution of common object. He cannot be stated to be innocent only because no overt act has been attributed to him. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the gravity of the accusations of murder under Section 302 IPC. 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. It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. 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).***

9. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. 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.

20.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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