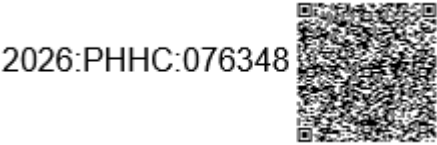


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-13438-2026 (O&M)

Chamkaur Singh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	11.05.2026
2.	The date when the judgment is pronounced	15.05.2026
3.	The date when the judgment is uploaded on the website	15.05.2026
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. Imaan Singh Khara, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ajay Pal Singh Sandhu, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner seeking grant of regular bail in case arising out of FIR No.243 dated 19.10.2025, registered under Sections 109, 115(2), 126(2), 351(2), 351(3), 191(3) and 190 of the BNS (offence under Section 118(2) of the BNS was added lateron), at Police Station Sadar Ludhiana, District Police Commissionerate.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Jagmohan Singh, alleging that he was in possession of some vacant land owned by himself and his brother Kuldeep Singh @ Bittu and abutting his house. On 18.10.2025, the present petitioner and accused Karamjot Singh had released water on the said land. When the complainant asked them the reason about the same, they proclaimed that they will cultivate this land and had also discussed with Kuldeep Singh @ Bittu in this regard. The complainant told them to raise a boundary between the land owned by him and Kuldeep Singh. On hearing so, the petitioner and co-accused Karamjot Singh felt offended and started using harsh words. Sometime thereafter, when the complainant was standing outside his house with his son, Karamveer Singh and Neighbourer Manish Sharma, the petitioner accompanied by co-accused Karamjot Singh and 5-6 persons unknown to him, reached there, armed with lethal weapons. Accused Karamjot Singh made an exhortation to teach a lesson to the complainant for asking them to stop water. While saying so, he struck a blow with a gandasa on the head of the complainant. The present petitioner struck a blow with a sword, thereby hitting his arm. Due to the impact of the injuries, sustained by him, he had fallen down and then all of them extended beatings to him and caused injuries with their respective weapons. Even his right eye was damaged. When the son of the complainant tried to save him, he too was assaulted. They also caused injuries to his neighbour Manish Sharma and then on clamour being raised, they fled away.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 28.10.2025. He suffered disclosure statement admitting his involvement in the crime. As per medical opinion, the complainant had sustained an open globe eye injury on his right eye involving

rupture of the corneosceral coat, which was opined to be grievous in nature. He had also sustained four other injuries which too were opined to be grievous in nature. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had no motive to commit the subject offence. The main injury on the person of the victim has not been attributed to him. There is delay of 01 day in reporting the matter to the police. He is not required for further investigation. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by keeping the petitioner in custody anymore. His antecedents are clean. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. By forming an unlawful assembly with the co-accused, all of them have voluntarily caused grievous injuries on the person of the victim. The victim has even lost his right eye in the occurrence. He had sustained several grievous injuries. The motive of the petitioner to make an attempt to kill the victim is quite obvious. The material witnesses are yet to be examined. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

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 of that unlawful assembly and while being armed with a sword, he is alleged to

have inflicted injuries with the said weapon on the vital parts of the body of the victim with an intent to kill him. The victim was even assaulted by him and co-accused when he had fallen on the ground. The allegations prima facie reveal the presence of the petitioner at the spot with weapon and his participation in the occurrence. He has been linked to the acts attributed with the aid of Section 190 of the BNS, 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. 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 190 of the BNS, 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 or not. Such knowledge can reasonably be collected from the nature of the assembly, the weapon used, the behaviour of the participants at or before the scene of action.

9. In the instant case, the petitioner along with the co-accused by forming membership of an unlawful assembly is alleged to have assaulted the complainant with lethal weapons. The petitioner is shown to have joined

the co-accused and opened an attack upon the victim. The allegations prima facie show his clear involvement/participation in the occurrence while having knowledge that the such offences were likely to be committed in prosecution of common object. The allegations against the petitioner are serious in nature. 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.

10. In light of the foregoing legal principles and other circumstances as discussed above, this Court finding no compelling ground to allow this petition. Accordingly, the petition is dismissed.

11. 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.

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

15.05.2026

harjeet

Whether speaking/reasoned:

Whether reportable:

(MANISHA BATRA)
JUDGE

Yes/No

Yes/No