



CRM-M-16805-2026

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

115-1

CRM-M-16805-2026

Harbans Singh @ Kaka Singh

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 18.05.2026**Date of Uploading : 18.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Divya Narula, Advocate for the petitioner
(through Video Conference).

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.78 dated 28.05.2025, registered for the offences punishable under Sections 109(1), 115, 118(1), 126, 190, 191(2), 191(3), 333, 351(3), 118(2) of BNS at Police Station Rori, District Sirsa.

2. The gravamen of the FIR reflects that the complainant namely Satnam Singh son of Gurtej Singh @ Teja Singh, resident of village Rodi, has alleged that on 26.05.2025 at about 9:00 PM to 9:30 PM, he alongwith his friend Harpal Singh was going towards the house of the latter. When they reached near the Scheduled Caste Chaupal in village Rodi, they found the Harbans Singh @ Kaka Singh @ Pandi (petitioner herein) standing there alongwith co-accused Manjeet Singh @ Kana, Ranjeet Singh @ Mani, Kuljeet Singh, Arshdeep Singh @ Arsi, Bans and Gurdeep Singh @ Gauri.



CRM-M-16805-2026

2

It has been further alleged that all the accused persons were armed with deadly weapons. Accused i.e. Manjeet Singh was allegedly carrying a sword, Ranjeet Singh an iron rod, the present petitioner a Kasiya, Kuljeet Singh a kirpan, Arshdeep Singh a knife, Bans an iron rod whereas accused Gurdeep Singh was empty handed. As per the complainant, the petitioner raised an exhortation stating that complainant - Satnam Singh had arrived and he should not be spared. Immediately thereafter, all the co-accused persons had attacked the complainant with their respective weapons. The complainant has alleged that accused Manjeet Singh had attacked him with a sword aiming at his head which landed on his right wrist when he attempted to save himself. Similarly, accused Ranjeet Singh allegedly attacked him with an iron rod and accused Kuljeet Singh assaulted him with a sharp-edged weapon causing injuries on his hands and arms. The complainant has further alleged that when he attempted to flee from the spot, accused - Gurdeep Singh blocked his path and the present petitioner inflicted a *Kasiya* blow on his left shoulder. It was further alleged that the accused Bans caused injuries with an iron rod. The complainant in an attempt to save himself, ran into the grocery shop and house of one Mange Ram but the accused persons followed him there while armed with the weapons. Thereafter, the accused persons continued to assault the complainant and threatened to kill him before fleeing from the spot. The injured was, thereafter, admitted in Sanjivani Hospital, Sirsa for treatment.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no nexus whatsoever with the alleged occurrence. Learned counsel has further



iterated that the petitioner is an elderly person aged about 67 years and has been roped in merely on account of prior village rivalry. It has been further contended that even as per the allegations contained in the FIR, the role attributed to the petitioner is limited in nature and no injury on any vital part of the body has been attributed to him. It has been further argued that the alleged injury caused by the petitioner was on the left shoulder of the complainant and, hence, the same does not attract the rigours of the offences alleged by the prosecution. Furthermore, the petitioner has neither inflicted any fatal injury nor any injury(s) on the wrists and arms of the complainant. The allegation of exhortation attributed to the petitioner is vague and omnibus in nature and has been introduced only with a view to falsely implicate the petitioner. It has been further argued that the entire prosecution case rests upon ocular evidence and all the material evidence already stands collected by the investigating agency. Learned counsel has pointed that the investigation in the present case stands concluded and supplementary challan has already been presented before the Court below on 28.07.2025. The petitioner is stated to be in custody since 04.07.2025 and the conclusion of the trial is likely to take considerable time especially when as many as 18 prosecution witnesses have been cited by the prosecution, thus, no useful purpose would be served for continued incarceration of the petitioner. Furthermore, the petitioner undertakes to abide by all the terms and conditions which may be imposed by this Court while granting the concession of regular bail. Considering the age of the petitioner, the nature of allegations, the period of custody and the fact that



trial is likely to take substantial time, the grant of regular bail is entreated for.

4. *Per contra*, learned State counsel has opposed the present petition by arguing that the petitioner has been specifically named in the FIR with a clear and active role in the occurrence. According to learned State counsel, the petitioner is a part of an unlawful assembly armed with deadly weapons and has actively participated in the assault on the complainant. Learned State counsel has pointed out that the petitioner has not only exhorted the co-accused and instigating them to attack the complainant but also inflicted a Kasiya blow on the left shoulder of the complainant. It has been argued that the manner in which the occurrence took place clearly demonstrates the common intention of all the accused persons to cause fatal injuries to the complainant. It has been further contended that during the course of investigation, the weapon of offence i.e. Kasiya allegedly used by the petitioner has been recovered pursuant to his disclosure statement and sent to the Regional Forensic Science Laboratory, Hisar and as per the RFSL report, blood stains have been detected on the recovered Kasiya which lend corroboration to the prosecution case. Furthermore, after completion of the investigation, supplementary challan against the petitioner stands presented before the competent Court of jurisdiction and charges have already been framed against the petitioner and other co-accused persons. The complainant/injured Satnam Singh has already been examined before the Court below as PW-1 and he has fully supported the prosecution version as well as the allegations levelled against the petitioner in the FIR. Learned State counsel has pointed out that the



material prosecution witnesses including eye-witnesses Harpal Singh and Mange Ram are still yet to be examined and in case the petitioner is enlarged on bail, there is every likelihood that he may influence or intimidate the remaining witnesses. Learned State counsel has also drawn the attention of the Court towards the criminal antecedents of the petitioner and submits that the petitioner is a habitual offender as he was involved in multiple criminal cases including offences under the NDPS Act and Excise Act. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the



administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*



*c. Prima facie satisfaction of the court in support of the charge. (see **Ram GovindUpadhyay v. Sudarshan Singh**, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and **Puran v. Ram Bilas**, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.”*

This Court also in specific terms held that :

“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

7. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* discloses that the petitioner was armed with a deadly weapon and has actively participated in the occurrence. The allegations against the petitioner is that he is alleged to have exhorted the co-accused persons to attack the complainant and thereafter inflicted injuries upon him with a *Kasiya*. The plea raised on behalf of the petitioner that the injury attributed to him was on a non-vital part of the body is a matter which can only be adjudicated upon during the course of trial and cannot be conclusively determined at the stage of consideration of plea for grant of regular bail. The Court is required to consider the totality of the allegations and the manner in which the occurrence is alleged to have taken place. The prosecution case reflects a



coordinated attack by multiple accused persons armed with deadly weapons. The allegations further indicate that even after the complainant has managed to escape and entered the house of Mange Ram, the accused persons followed him there and continued the assault. Furthermore, the weapon allegedly used by the petitioner has already been recovered during the course of investigation and the RFSL report indicates detection of blood stains on the recovered Kasiya. Moreover, the complainant/injured witness has already stepped into the witness box and has fully supported the prosecution version before the Court below. The material eye-witnesses and other prosecution witnesses are still yet to be examined. Therefore, the apprehension expressed by the prosecution regarding the possibility of influencing witnesses cannot be brushed aside at this stage. It is apt to mention herein that the criminal antecedents of the petitioner also weigh heavily against him. The record reflects that the petitioner has remained involved in multiple criminal cases including offences under the NDPS Act and has also suffered convictions in some of those cases. Though learned counsel for the petitioner has submitted that the petitioner has also been acquitted in certain cases but the antecedents of the petitioner remain a relevant consideration while adjudicating a petition for grant of regular bail. The plea regarding the age of the petitioner and the period of custody also does not persuade this Court at this stage keeping in view the gravity of allegations, the specific role attributed to the petitioner, the recovery of weapon, the stage of trial and the possibility of witness intimidation. In the considered opinion of this Court, the manner in which the occurrence is alleged to have taken place *prima facie* suggests that the petitioner, who was



armed with a deadly weapon, inflicted injury on the vital part of the complainant which cannot be lightly ignored while considering the prayer for grant of regular bail. The seriousness of the allegations, coupled with the specific role attributed to the petitioner, weighs heavily against the grant of bail. Though the petitioner has been in custody since 04.07.2025 and the challan has already been presented but these factors by themselves are not sufficient to dilute the gravity of the offence alleged against him.

8. It is apt to mention herein that the offence is punishable under Section 109 of BNS and such offences have a serious impact on the Society at large. The intensity and the nature of injury on the person of the victim *prima facie* reflect a complete disregard of human life on the part of the petitioner. The material on record does not persuade this Court to hold that releasing the petitioner on bail at this juncture may adversely affect the progress of the trial. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly in light of his previous conduct of evading trial and being declared a proclaimed person.



CRM-M-16805-2026

10

9. Considering the gravity of the offence, the specific role attributed to the petitioner and the likelihood of his influencing the prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

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

(SUMEET GOEL)
JUDGE

May 18, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No