

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:089409



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CRM-M-17631-2026 (O&M)
Date of decision:02.07.2026

Karan Kumar @ Goli

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Vipin Mahajan, Senior Advocate with

Ms. Gagan Bir Kaur Kahlon, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.47 dated 21.06.2024, registered under Sections 302, 307, 148, 149 and 120-B of IPC and Sections 25 and 27 of the Arms Act, at Police Station City Batala, Police District Batala, District Gurdaspur.

2. The afore mentioned FIR was registered on the basis of a statement recorded by the complainant – Inderdeep Singh alleging therein that on 20.06.2024, he along with his cousins Jasbir Singh and Harjit Singh

had gone to Batala City in his swift car to make some purchases. He had dropped Harjit Singh near IELTS Centre Batala. When he was reversing his vehicle, an XUV vehicle was found parked at some distance. The petitioner accompanied by co-accused and some unknown persons alighted from the same while being armed with weapons. Accused Jaskaran Singh made an exhortation to catch the complainant and kill him and then all of them opened an assault upon him. The petitioner struck a blow with the reverse side of a *datar* on the head of his companion Harjit Singh whereas another assailant struck a blow with a baseball bat on the head of Harjit Singh with an intent to kill him. On hearing clamour, public persons had gathered and then all the assailants fled away. The victim Harjit Singh was taken to hospital for treatment. He died during the course of treatment on 27.06.2024. Offence under Section 302 of IPC was added. The petitioner was arrested on 28.06.2024. He suffered disclosure statement admitting his involvement in the crime. On his disclosure statement, some other persons were nominated as accused. The petitioner got recovered a *datar* used in the crime. Investigation qua the petitioner now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since long. No prosecution witness has been examined so far, therefore, there are no chances of conclusion of trial in near future. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious and specific

allegations against the petitioner, who being a member of an unlawful assembly and armed with deadly weapons, had actively participated in the crime by inflicting blows with the same on the head of the victim. He acted in concert with the co-accused. The medical evidence establishes that the death occurred due to head injuries which are sustained with the blows attributed to the petitioner. The role of the petitioner is not peripheral but is of a principal assailant. It is, therefore, argued that he does not deserve to be extended the benefit of bail.

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

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused injuries with the reverse side of *datar* on the head of the victim Harjit Singh. As per the post mortem report, the death of victim had occurred due to dysfunction of brain, a vital organ which is sufficient to cause death in the ordinary course. This injury has been attributed to the petitioner. The allegations *prima facie* reveal the active participation of the petitioner in the occurrence. He has also 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.

7. The petitioner 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. 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).***

8. 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.

9. 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.

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

02.07.2026

harjeet

(MANISHA BATRA)
JUDGE

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