

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:079910



213

CRM-M-21361-2026 (O&M)

Date of decision:20.05.2026

Gobinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amarjeet Singh Prajapati, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

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 bearing FIR No. 44 dated 31.05.2025 registered under Sections 103, 191(3), 190 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 (Sections 61(2), 49, 115(2) and 249 of BNS added and Section 3(5) deleted later on) at Police Station Verka, District Police Commissionerate Amritsar.

2. The FIR was registered on the basis of complaint made by complainant Sukhdev Singh @ Raju on 31.05.2025, alleging therein that on the same morning, Kaka and his sister Rajveer Kaur made a call to Shamsheer Singh @ Shera and his nephew Manpreet Singh alias Bobby, asking them to come near Nanda Hospital. Both of them went there and were encircled by accused Kaka, his sister Rajveer Kaur, and 10-12 unknown persons. All of them opened

an attack upon Manpreet Singh and Shamsher Singh and caused injuries to them on their heads with the butts of pistols which they were carrying. The victims had fallen down and raised clamour, on hearing which, some persons reached at the spot and then the assailants fled away. The injured were rushed to the hospital. The complainant further alleged that when his nephew Manpreet Singh reached CHC Hospital, he received a call and was asked to come to Makhan Dhaba for a compromise. His nephew apprised him about this fact. On hearing so, the complainant, along with his brother Kuldeep and friend Randhir Singh reached at the informed place, where accused Kaka and his father Mangal Singh were found present along with some unknown persons. A scuffle took place between them, and Kaka and his accomplices had fired shots at him, from which he had a narrow escape. However, four shots were fired at his brother Kuldeep Singh, who succumbed to the firearm injuries.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted. The accused Mangal Singh @ Kala was arrested on 31.05.2025. He suffered disclosure statement in pursuance of which accused Rahul Kumar @ Rahul was nominated as an additional accused, who too was arrested on 31.05.2025. On interrogation, accused Rahul Kumar suffered disclosure statement on the basis of which Amarjit Singh @ China was nominated as an additional accused. He suffered disclosure statement to the effect that on the night of 30.05.2025, he along with co-accused Mangal Singh, Lamjot Singh, Rajbir Kaur, Jobanpreet Singh, Guljar Singh, Hardeep Singh, Sultan Singh and the present petitioner had reached in front of Makhan Dhaba and had fired shots, thereby killing the victim Kuldeep Singh and thereafter they fled from the spot. He suffered another disclosure statement on 03.06.2025 to the effect

that infact at the time of occurrence, the petitioner was not accompanying them but he had previously assured that after causing injuries to the victim, they could come to him and he would manage everything. He disclosed that after committing murder of the victim, they had gone to the petitioner and had stayed with him for sometime at Chandigarh. On the basis of this disclosure, the petitioner was nominated as additional accused and was arrested on 05.06.2025. He too suffered disclosure statement admitting the factum of his harbouring the co-accused after they had committed murder of the victim. Investigation now stands completed.

4. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. Admittedly, he was not present at the time of committing alleged offence of murder of the victim. Neither any injury nor any specific overt act has been attributed to him. The allegation that he had harboured the co-accused are not at all believable. No recovery has been effected from him. His implication is only on the basis of presumption and suspicion. He had no motive to hatch any conspiracy to kill the victim. There is no eye witness to the murder of the victim. The case rests upon circumstantial evidence and there is no circumstance to connect him with the crime. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel while relying upon the status report has argued that the petitioner was a part of the conspiracy to commit murder of the victim. His involvement surfaced during investigation through disclosure statement of co-accused. He provided active support to the co-accused even before and after the occurrence. He was not a mere passive

spectator but actively facilitated the accused persons and provided them shelter and assistance after commission of the subject offence. The allegations against him are grave in nature. He is a habitual offender being involved in several other cases. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, thus, stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have been a member of conspiracy hatched with the co-accused for the purpose of committing murder of the victim. As per the further allegations, he had harboured the co-accused after they had committed murder of the victim by providing shelter to them to hide themselves. On the basis of the allegations, the role which has been attributed to the petitioner appears to be limited for facilitating/harboursing the co-accused and the same is distinct from principal homicidal act. The petitioner was not named in the FIR. The linkage sought to be established between him and the alleged acts, primarily rests on disclosure statement of the co-accused and circumstantial inferences. The role so attributed to him is that of a facilitator, which is distinct and remote offence from the direct commission of offence of the murder of the victim. It is a matter of trial as to whether the material against the petitioner justifies continued pre-trial incarceration bearing nature of evidence and the progress of the trial. Since the case rests on disclosure statement of the co-accused, this is a matter best left for trial whether the burden of proof and standard of evidence shall be applied rigorously. The petitioner is in custody for a period of 11 months. Taking into consideration the above discussion, particularly limited role as

attributed to the petitioner, this Court is of the considered opinion that the continued detention of the petitioner would not serve the ends of justice. Even otherwise, pre-trial incarceration should not be a replica of post conviction sentencing. As such, the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and subject to the following conditions:-

(i) he shall appear before the learned trial Court on each date of hearing unless exempted.

(ii) he shall not tamper with evidence or attempt to influence witnesses in any manner.

(iii) he shall surrender his passport, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

(iv) he shall not leave the country without prior permission of the Court.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.05.2026

harjeet

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No