



CRM-M-25230-2024

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

106-2

CRM-M-25230-2024

Gurpreet Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 25.02.2026**Date of Uploading : 26.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Krishan Kumar Thakur, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

Mr. Gurcharan Dass, Advocate and

Mr. Bhirgu Dutt Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of the Cr.P.C. seeking grant of regular bail to the petitioner in case bearing FIR No.22 dated 15.02.2024, registered for the offences punishable under Sections 307, 506, 34, 120-B of IPC and under Section 25, 27 of the Arms Act at Police Station Dugri, Police Commissionerate, Ludhiana, Punjab.

2. The gravamen of the FIR reflects that the complainant namely Sukhmeet Singh Bhatia, an Advocate by profession, alleged that on 14.02.2024 at about 4:25 PM while he was returning home along with his minor nephew in his car, a white Nissan Magnite vehicle started following him. It has been alleged that the occupants of the said vehicle had intentionally brought their car in close proximity to the car of the complainant and thereafter when the complainant reached near Chik-Chik



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Chowk, one of the assailants sitting on the front passenger seat took out a pistol and fired multiple shots at him. It has been further alleged that one shot allegedly struck the complainant just below the right ear while two other shots hit the right side of his body. During the entire incident, the front glass of the car of the complainant was shattered and the complainant somehow managed to escape from the spot while the assailants continued firing and raised a *lalkara* that he was being taught a lesson today. It has been further alleged that the motive, as disclosed in the FIR, is on account of the matrimonial dispute between the complainant and his wife, whose brothers and relatives had allegedly extended threats to the complainant on earlier occasions also. On these set of allegations, the FIR in question was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no role whatsoever in the alleged occurrence. Learned counsel has further iterated that the petitioner has not been named in the FIR and his name surfaced only during the course of investigation on the basis of disclosure statements of co-accused, which are inadmissible in evidence. Furthermore, no recovery of any weapon or incriminating article has been effected from the petitioner and no overt act, much less any act of firing, has been attributed to the petitioner in the entire alleged occurrence. It has been further submitted that the petitioner has been roped in on account of his alleged acquaintance with one of the co-accused. It has been further argued that the petitioner had no motive to participate in the alleged offence and has no connection with the complainant or the matrimonial dispute which is



stated to be the root cause of the occurrence. It has been further submitted that the allegation of conspiracy is vague and omnibus and does not disclose any specific role played by the petitioner. According to learned counsel, the petitioner has been in custody since 28.02.2024 and the trial has not made any substantial progress. Although the challan has been presented and as many as 22 prosecution witnesses have been cited and 06 have been examined till date. Learned counsel has further submitted that since the conclusion of trial is likely to take considerable time, thus, no useful purpose would be served for continued incarceration of the petitioner. Furthermore, it has been contended that the petitioner is a young man and shall undertake to abide by all conditions that may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that case in hand pertains to a heinous and premeditated attempt to commit murder carried out in broad daylight on a public road by using a firearm. According to learned State counsel, the manner in which the complainant was chased, intercepted and repeatedly fired upon clearly reflects the brutal and organised nature of the crime. Learned State counsel has iterated that although the petitioner was not named in the FIR, his involvement has surfaced during the course of investigation and he has been specifically nominated in the supplementary challan on the basis of material collected by the investigating agency,



including the disclosure statements of co-accused and other corroborative evidence indicating his active participation in the conspiracy. According to learned State counsel, the petitioner was an active participant in the conspiracy and acted as a connecting link between the main conspirators and the hired assailants as he has introduced the shooters to the co-accused. Furthermore, the gravity of the offence is further aggravated by the fact that the complainant sustained firearm injuries on vital parts of the body and his minor nephew was also present in the vehicle at the time of the occurrence. Learned State counsel has emphasized that the trial is at a crucial stage and material prosecution witnesses are yet to be examined. In view of the previous hostility between the parties, there is a strong likelihood that the petitioner, if released on bail, may influence or intimidate the witnesses. 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.

4.1. Learned counsel appearing for the complainant has vociferously opposed the grant of regular bail to the petitioner and has raised submissions in tandem with the learned State counsel. Learned counsel have iterated that prior to the occurrence, the complainant and his family were repeatedly threatened by the co-accused persons that they could get him killed. According to learned counsel, the assailants has chased the vehicle of the complainant, intercepted him and fired multiple gunshots aimed at vital parts of his body which shows a clear intention to commit murder. Furthermore, the role of the petitioner is not peripheral but that of an active conspirator who facilitated the assailants and remained in touch



with the co-accused before the occurrence. His role has surfaced during the course of investigation and he has been nominated on the basis of credible material collected by the investigating agency. In view of the previous threats and the nature of the allegations, there is a genuine apprehension that if the petitioner is released on bail, he may try to influence or intimidate the complainant and other prosecution witnesses, thereby hampering the fair trial. On these grounds, learned counsel have prayed for the dismissal of the petition in hand.

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 Govind Upadhyay 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.”

In Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :

“The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

7. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* suggests that the petitioner specially attributed an active role in the occurrence. The allegations in the FIR disclose a pre-meditated and targeted



chased on a public road, the use of a firearm and the firing of multiple shots aimed at vital parts of the body clearly demonstrate an intention to cause death. The incident has taken place in a public area in broad daylight, thereby endangering not only the life of the complainant and his minor nephew but also that of the general public. The seriousness of the allegations is further aggravated by the element of conspiracy emerging from the matrimonial discord and prior threats. At this stage, it cannot be said that the role attributed to the petitioner is insignificant. The present petitioner was not named in the FIR but during the course of investigation his name surfaced and has been included in the supplementary challan. As per the prosecution version, he was part of the group which planned and carried out the attack along with the main accused. Though the name of the petitioner does not figure in the FIR, the investigation carried out thereafter has brought on record material connecting the petitioner with the commission of the offence. The case of the prosecution is that the petitioner was part of the conspiracy and acted as a link between the co-accused and the shooters. It has come on record that the petitioner was acquainted with co-accused Teenu Anand and through him introduced the shooters to the main conspirators. The prosecution further relies upon the statement of an independent witness regarding extra-judicial confession made by co-accused Kamal Verma, wherein the role of the petitioner in hatching the conspiracy has been specifically disclosed. At this stage, the Court is not required to examine the evidentiary value of the disclosure statements in detail. The material collected during investigation *prima facie* connects the petitioner with the conspiracy.



8. It is apt to mention herein that the offence is punishable under Section 307 IPC and the Arms Act, the complainant has suffered gunshot injuries. Such offences have a serious impact on society. The role attributed to the petitioner is not of a mere spectator but of a person acting in concert with the other accused in furtherance of the common intention. The possibility of the petitioner influencing the prosecution witnesses, many of whom are likely to be known to the parties due to the underlying matrimonial dispute, also cannot be brushed aside. The nature of the injuries suffered by the complainant, the use of a firearm and the alleged prior threats attributed to the petitioner in the conspiracy cumulatively indicate that the accusations are grave and supported by *prima facie* material. At this stage, this Court is not expected to meticulously examine the evidence. 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.

9. 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.

10. Considering the gravity of the offence, the specific role attributed to the petitioner in facilitating the conspiracy 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.

11. 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

February 25, 2026
Ajay

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