

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



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CRM-M-22454-2026 (O&M)

Gurpreet Singh @ Goma

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	19.05.2026
2.	The date when the judgment is pronounced	20.05.2026
3.	The date when the judgment is uploaded on the website	20.05.2026
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. Chinku Bawa, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.56, dated 20.06.2023, registered under Sections 302, 506, 148, 149, 212, 216 and 201 IPC (offences under Sections 302, 212, 216 and 201 IPC were added and Sections 307 and 323 of IPC were deleted lateron), at Police Station Badali Ala Singh, District Fatehgarh Sahib. The previous petition as filed by him

bearing CRM-M-69330-2025 had been dismissed vide order dated 20.03.2026 by making the following observations:

“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 voluntarily caused fatal injuries to the victim Baljinder Singh, which resulted in his homicidal death. The material witnesses have since been examined and have duly identified the petitioner as one of the assailants. The allegations prima facie reveal the presence and active participation of the petitioner in the occurrence. He has 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 only because no overt act has been attributed to him. 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. ”*

2. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, there has been a material change in the circumstances since co-accused Gurpreet Singh @ Babba has been extended benefit of bail vide order dated 27.03.2026 passed in CRM-M-70226-2025. On parity, the petitioner too deserves to be extended the same benefit. Moreso, co-accused Gurtej Singh @ Teji has also been extended benefit of bail vide order dated 04.08.2025 passed in CRM-M-21764-2025. The allegations against him were identical in nature. The complainant and eye witness Sandeep Singh have since been examined and have not attributed any specific overt act to the petitioner. It is, thus

argued that the petitioner deserves to be extended the benefit of bail.

3. Learned State counsel on the other hand has vehemently argued that the present one being the second/successive petition and filed just after a gap of only 01 month from the date of dismissal of his previous petition, is not at all maintainable. The case of the petitioner can also not be stated to be at parity with the case of the co-accused, who have been extended benefit of bail since the petitioner has been duly identified by the material witness as one of the assailants. It is argued that the petition has been filed to abuse the process of law and therefore, stressed that the petition does not deserve to be allowed.

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

5. The previous petition as filed by the petitioner had been dismissed by this Court on 20.03.2026 by passing a detailed order which has already mentioned above. The reasons for declining the prayer made by the petitioner for grant of bail were also given in detail. Thereafter, co-accused Gurpreet Singh @ Babba has been extended benefit of bail, however, only on account of that reason, no vested right has been created in favour of the petitioner to seek concession of bail, especially in the circumstance when he had been duly identified by the witnesses as one of the assailants. It is well settled that parity cannot be sole ground for grant of bail and it is purely discretion of the Court. The relief of bail is to be granted with due regard to the circumstances involved in the alleged offence. While utilizing the parity as a ground of bail, the Court must focus on the role of the accused and it cannot be solely because another accused was granted bail in connection

with the same offence. Reference in this regard can be had to the observations made by the Hon'ble Apex Court in **Sagar Vs. State of U.P. and another, (2025) SCC Online SC 2584**. More so, the case of the petitioner cannot be even stated to be at parity with the case of the co-accused.

6. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition, which has been filed within a short span of one month of dismissal of previous petition. Accordingly, the petition is dismissed.

7. 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.

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

20.05.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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