

CRM-M-37124-2024 and CRM-M-43204-2025

2026:PHHC:036886



104 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-37124-2024

Chandan alias Chandu and another
.....Petitioners
versus
State of Punjab
.....Respondent

2. CRM-M-43204-2025

Vishal Gill alias Aaloo
.....Petitioner
versus
State of Punjab
.....Respondent

Date of decision: March 10, 2026
Date of Uploading: March 11, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Renu Arora, Advocate for the petitioners
(in CRM-M-37124-2024)
(presence marked through video-conferencing).

Mr. J.S. Thakur, Advocate for the petitioner
(in CRM-M-43204-2025)
(presence marked through video-conferencing).

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Ivan Singh Khosa, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

CRM-M-37124-2024 and CRM-M-43204-2025

By way of the present common judgment, this Court proceeds to decide aforesaid two petitions in hand, since there is commonality and congruity of legal issues therein, as conceded by the learned rival counsel.

For the cause of convenience, the facts are drawn out from CRM-M-37124-2024 titled as Chandan alias Chandu and another versus State of Punjab.

2. Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking grant of regular bail to the petitioners, in case bearing FIR No.62 dated 01.04.2024, registered under Sections 307, 324, 326, 506, 120-B, 148 and 149 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 25/ 54/ 59 of the Arms Act added later on), at Police Station Sadar, District Jalandhar.

3. The gravamen of allegations against the petitioners is that complainant, alleged that his son (Rajdeep Singh) is addicted to drugs and a few days prior to the incident, Anthony alias Kandi and his wife Gama had threatened him, stating that since he had not paid the money for the drugs allegedly purchased from them, they would eliminate him. The complainant also stated that earlier his son had disputes with Anthony alias Kandi, Munish alias Manni, Vishal Gill alias Aaloo (*petitioner herein*), Chandan alias Chandu (*petitioner herein*), and Danial alias Danny. The complainant alleged that due to the said enmity, the above-mentioned persons, in furtherance of a criminal conspiracy, attacked his son with the intention to

CRM-M-37124-2024 and CRM-M-43204-2025

commit his murder and, after inflicting injuries, threw him away believing that he had died. However, by the grace of the Almighty, his son survived.

4. Learned counsel for the petitioners have iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioners are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioners have been falsely implicated based on speculations of the complainant. Learned counsel has argued that no specific injury or weapon has been attributed to the petitioners.

4.1. Learned counsel for the petitioner (in CRM-M-37124-2024), apart from aforesaid submissions, has argued that the petitioners were nominated by the police solely on the speculations and assumptions of the complainant and that too two days after the incident in question, without there being any CCTV footage or any eye witness and further without recording the statement of injured/ victim.

4.2. Learned counsel for the petitioner (in CRM-M-43204-2025), in addition to aforesaid submissions, has iterated that there is an unexplained delay of 01 day in lodging the FIR in question. Learned counsel has argued that the case in hand is not of an eye-witness account and the prosecution case is based only on hearsay evidence. Learned counsel has argued that no specific role or injury has been attributed to the petitioner.

4.3. Learned counsel have also argued that co-accused of the petitioners, namely, Daniel @ Daini has been accorded concession of bail, vide order dated 31.07.2025 passed in **CRM-M-39879-2025**.

CRM-M-37124-2024 and CRM-M-43204-2025

4.4. Learned counsel have argued that nothing is to be recovered from the petitioners. Learned counsel have further stated that after completion of investigation, the challan stands presented on 11.06.2024, and out of total 16 prosecution witnesses, 04 have been examined till date. Learned counsel have further argued that the petitioners have suffered incarceration for more than 02 years, and, thus, no useful purpose would be served by keeping them behind bars further. Thus, regular bail is prayed for.

5. *Per contra*, learned State counsel, while raising submissions in tandem with status report by way of an affidavit dated 18.09.2024 and further, supplementary status report by way of an affidavit dated 17.12.2024, which are already on record, has opposed the grant of regular bail to the petitioners by arguing that there are grave/serious allegations against the petitioners. Learned State counsel has argued that the petitioners along with co-accused had assaulted Rajdeep Singh alias Lally (son of the complainant) with their respective weapons by striking on his head, and after commission of offence, they fled on their motorcycles along with their respective weapons.

5.1. Further, learned State counsel has submitted that after grant of bail to the co-accused, namely Daniel @ Daini, examination-in-chief of the injured was recorded on 17.01.2026 and his cross-examination was done on 17.02.2026. Learned State counsel has argued that the injured has stood by his testimony and the prosecution version.

CRM-M-37124-2024 and CRM-M-43204-2025

5.2. Learned State counsel has argued that, in case, the petitioners are granted concession of regular bail, there is all likelihood that they may abscond from the process of justice as also interfere with the prosecution evidence/witnesses. On the strength of these submissions, dismissal of the petitions in hand is entreated for.

5.3. Learned counsel for the complainant has opposed the grant of petitions in hand by arguing that there are direct/ serious allegations against the petitioners. Learned counsel has argued that the petitioners and their co-accused had given serious head injuries to the injured, and, hence, they ought not to be granted the concession of regular bail. Learned counsel has argued that, in case, the concession of regular bail is afforded to the petitioners, there is all likelihood that they may abscond from the process of justice and also interfere/intimidate the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petitions in hand is entreated for.

6. I have heard learned counsel for the rival parties and have perused the paper-book.

7. At the outset, it would be pertinent to mention here that the bail plea of the petitioner – Vishal Gill alias Aaloo is the second attempt to secure regular bail. A perusal of the order dated 01.08.2025 passed by the co-ordinate Bench shows that CRM-M-37124-2024 stands withdrawn *qua* petitioner – Vishal Gill @ Aaloo.

CRM-M-37124-2024 and CRM-M-43204-2025

8. As per prosecution case, it is borne out that the complainant, namely, Sukhwinder Singh, (father of the injured Rajdeep Singh), has clearly stated that the injured was earlier threatened by one Anthony alias Kandi and his wife Gama for not paying the money allegedly due for narcotic substances purchased by him. They had also threatened to eliminate him. It has been specifically alleged that thereafter, Anthony alias Kandi, Munish alias Manni, Vishal Gill alias Aaloo (*petitioner herein*), Chandan alias Chandu (*petitioner herein*) and Danial alias Danny, in furtherance of a pre-planned criminal conspiracy, formed an unlawful assembly and attacked the injured Rajdeep Singh with deadly weapons with the clear intention to commit his murder. After inflicting brutal injuries, the accused persons left the injured at the spot presuming him to be dead.

8.1. A perusal of the Medico-Legal Report dated 16.10.2024 appended with the supplementary status report by way of an affidavit dated 17.12.2024 reveals the following injuries to the injured:

Sr. No.	Injuries	Marked	Injury Number
1	Incised wound measure approx 6cmx2cm OVER THE LEFT FRONTAL REGION OF SKULL BONE DEEP FRESH BLEEDING PRESENT FROM THE WOUND ADVISE NEUROSURGERY OPINION CT SCAN HEAD	Yes	1
2	INCISED WOUND MEASURE APPROX 5 CMX3CM ON LEFT TEMPORAL REGION OF SKULL JUST ABOVE THE LEFT PINNA BONE DEEP FRESH BLEEDING PRESENT FROM THE WOUND ADVISE CT SCAN HEAD NEUROSURGERY OPINION	Yes	2
3	INCISED WOUND MEASURE APPROX 7CMX3CM ON LEFT PARIETAL REGION OF SKULL JUST ABOVE THE LEFT PINNA BONE DEEP FRESH BLEEDING PRESENT FROM THE WOUND ADVISE CT SCAN HEAD NEUROSURGERY OPINION	Yes	3
4	INCISED WOUND MEASURE APPROX 5CM ONER THE UPPER PINNA OF LEFT EAR WHICH WAS ONLY ATTACED TO SKULL AT ONE SIDE FRESH BLEEDING PRESENT FROM THE WOUND	Yes	4

CRM-M-37124-2024 and CRM-M-43204-2025

Nature of Injuries (Simple, Grievous, Dangerous or pending for observation)
1, 2, 3, OBSERVATION 4 GRIEVOUS
Probable Duration of Injury
2HRS
Kind of Weapon Used (Sharp, Blunt, Firearm, Fire, Position etc.)
SHARP FOR ALL

8.2. Aforesaid medical record clearly establishes the gravity of the offence, as the injured sustained multiple injuries on his head. Due to the said brutal assault, the condition of the injured became critical and he remained admitted in the hospital for nearly one month. The manner in which the accused persons, including the present petitioners, jointly participated in the occurrence and inflicted grievous and life-threatening injuries clearly shows their common object and active role in the commission of the offence.

8.3. Further, it has been stated by the State that after the grant of bail to the co-accused, namely Daniel @ Daini, the examination-in-chief of the injured witness was recorded on 17.01.2026, and his cross-examination was conducted on 17.02.2026. During the course of his testimony, the injured witness fully supported the prosecution case and remained consistent with the version put forth in the FIR. Despite lengthy cross-examination, nothing material could be elicited to discredit his testimony, and he firmly stood by his earlier statement and the prosecution version.

9. 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

CRM-M-37124-2024 and CRM-M-43204-2025

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,*

CRM-M-37124-2024 and CRM-M-43204-2025

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.”

10. The plea regarding false implication of the petitioners shall be ratiocinated upon during trial. As per prosecution case, total 16 prosecution witnesses have been cited and out of which, 04 are stated to have been examined, including the injured duly supporting the prosecution version.

11. The allegations leveled against the petitioners are specific, grave and well defined, which *prima facie* indicate their active participation in the commission of the offence. In the considered opinion of this Court, the very magnitude, brutality and seriousness of the crime clearly disentitle the

CRM-M-37124-2024 and CRM-M-43204-2025

petitioners to the discretionary relief of bail. In the considered opinion of this Court, 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 petitioners, especially in light of the gravity of the allegations, nature of assault/ injuries and the evidence on record. It also deserves emphasis that offences of this nature strike at the very root of public order rule of law and societal conscience. Grant of bail in such cases may send a wrong signal to society and undermine public confidence in the administration of criminal justice. Furthermore, there exists a real and tangible apprehension that if enlarged on bail, the petitioners may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses especially when several material witnesses are yet to be examined and the prosecution evidence is still to unfold.

12. Considering the aforesaid facts and circumstances, the nature and gravity of the allegations, the specific role attributed to the petitioners, and the serious injuries sustained by the victim on vital parts of his body, this Court finds no ground to extend the concession of regular bail to the petitioners. The medical evidence on record clearly reflects that the injured suffered multiple incised wounds on the head caused by sharp-edged weapons, which rendered his condition critical and required prolonged hospitalization. Furthermore, the injured witness has fully supported the prosecution case, and even after thorough cross-examination, nothing has emerged to discredit his testimony. At this stage, when the prosecution

CRM-M-37124-2024 and CRM-M-43204-2025

evidence, particularly that of the injured witness, *prima facie* substantiates the allegations against the petitioners, granting regular bail may adversely affect the fair course of the trial. Accordingly, this Court is of the considered opinion that the petitioners do not deserve the concession of regular bail. Accordingly, the petitions are, thus, devoid of merits and are hereby **dismissed**.

13. 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.

14. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

15. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 10, 2026
mahavir

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