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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-35422-2025 (O&M)

Kuldip Singh Panchi @ Prince ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	09.02.2026
2	The date when the judgment is pronounced	11.02.2026
3	The date when the judgment is uploaded on the website	11.02.2026
4	Whether only operative part of the judgment is pronounced or 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. Karanjit Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. S. S. Momi, Advocate
for the complainant.

MANISHA BATRA, J.

- Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 17 dated 05.02.2024, registered under Sections 302, 307, 427, 148 and 149 of IPC and Sections 25 and 27 of the Arms Act at Police Station B-Division, District Amritsar.
- The aforementioned FIR was registered on the basis of statement

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recorded by the complainant Jasbir Singh alleging therein that on the evening of 04.02.2024, his son Harmanjeet Singh had gone to fly kites in the house of his friend Robin. He came back home after sometime and told the complainant that when they were flying kites, the present petitioner along with Parminder Singh Bedi was flying kites on the house of Jugraj Singh @ Lal and they were hurling abuses and raising *lalkara* against them. The complainant pacified his son. In the meantime, his friends Robin Roy and Amritpal Singh reached there to take his son with them. They had left on Aactiva vehicle. When they reached at Sultanwind road, the co-accused and 4-5 unknown persons intercepted them. Co-accused Aditya Bedi made an exhortation to catch hold of son of the complainant and Robin and they started throwing empty glass bottles on Harmanjeet and his friend. Thereafter, accused Paramjeet Singh Bedi and Jugraj Singh fired shots with pistol and one bullet hit the waist of Harmanjeet and another hit the car of a passer-by. Victim Harmanjeet was taken to the hospital but was declared to be brought dead. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, co-accused Aditya Bedi, Shamsher Singh @ Shera and Jugraj Singh were arrested on 05.02.2024. They suffered disclosure statements admitting their involvement in the subject crime. Co-accused Jugraj Singh got recovered one Brezza car and a danda used at the time of committing subject offences. In pursuance of the disclosure statements suffered by co-accused Shamsher Singh @ Shera, Deepak Singh @ Deepu, Daljit Singh @ Bunty, Parminder Singh Bedi were nominated as additional accused. They are also arrested. Co-accused Daljit Singh @ Bunty suffered a disclosure statement, on the basis of which, the present petitioner was also

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nominated as accused. The complainant then recorded a supplementary statement and he too took the name of the petitioner. The petitioner was arrested on 06.11.2024 on his surrender before the learned trial Court. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused Daljit Singh @ Bunty, with whom, he was having inimical relations. His disclosure statement cannot be considered to be admissible in evidence against the petitioner. There is delay of one day in lodging of the FIR, which has not been satisfactorily explained. His name was also taken by the complainant in his supplementary statement, which was in fact recorded after a gap of more than three months. No specific role has been attributed to him. Even no specific overt act or injury on the person of the victim has been attributed to him. No weapon was alleged to have been carried by him. The ingredients for commission of subject offences are not attracted qua him. He is in custody since long. He has clean antecedents. Conclusion of trial is likely to take considerable time. No useful purpose would be served by detaining him into custody anymore. Co-accused Daljit Singh @ Bunty has been granted concession of regular bail. On parity, he too deserves to be given the same benefit. It is, therefore, stressed that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report and the custody certificate have been filed. Learned State counsel has argued that the petitioner, by forming membership of an unlawful assembly with the co-accused, had inflicted injuries on the person of the victim, thereby causing his homicidal death. The allegations against the

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petitioner are serious in nature. There are chances of the petitioner's intimidating the witnesses or absconding, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

6. Reply has also been filed by the complainant. It is argued by learned counsel for the complainant that there are serious allegations against the petitioner. Co-accused Daljit Singh @ Bunty has been extended benefit of bail but he has grossly misused the concession thereof by intimidating the witnesses and trying to tamper with the evidence. He has been roaming near the house of the complainant and has been extending threats to him and other witnesses. Even unscrupulous elements are being sent by the co-accused in the locality of the complainant to overawe him. Witness Robin Roy has been extended threats not to testify against co-accused Daljit Singh @ Bunty. A petition has been filed seeking cancellation of his bail. The case of the petitioner is even otherwise on different footing. He was part of an armed mob and had committed murder in public view. His liberty may endanger the witnesses and jeopardise trial. It is, therefore, urged that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, an assault was opened upon the victim by intercepting him and causing firearm injury resulting in his instantaneous death. The allegations prima facie reveals active participation of the petitioner in the occurrence. The petitioner has been linked to the act attributed with the aid of Section 149 of IPC which has following three ingredients:-

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- i. There must be an unlawful assembly;
- ii. Commission of an offence may be by any member of the unlawful assembly; and
- iii. 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.

9. From a perusal of the above ingredients, it is apparent that even mere presence in the unlawful assembly but with an active mind to achieve the common object, makes a person vicariously liable for the acts of the unlawful assembly. Under Section 149 of IPC, the liability of the other members, for the offence committed during the continuance of the occurrence rests upon the fact whether the other members knew beforehand that the offence actually committed was likely to be committed in prosecution of the common object. Such knowledge may reasonably be collected from the nature of the assembly, arms, or behaviour at or before the scene of action.

10. In the instant case, the petitioner along with the co-accused had intercepted the victim when he along with his friends was going somewhere and had opened an attack upon him which prima facie shows the common object of the members of the assembly including the petitioner. The allegations against the petitioner are serious in nature as he along with the co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. A perusal of the record reveals that the petitioner had been avoiding his apprehension and was even declared a

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proclaimed offender in this case previously. Hence, the apprehension of learned State counsel that after his release on bail, he may again abscond, cannot be stated to be unfounded. Since co-accused Daljit Singh @ Bunty, who is on bail, is alleged to be misusing the concession, there exists a genuine apprehension that release of the petitioner may also imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing witnesses or tampering with evidence. 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 complainant 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. Keeping in view the discussions as made above, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

11. 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.

11.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No