

2026:PHHC:004692



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40497-2025

Date of decision: 15th January, 2026

Sunny Khosla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 91 dated 19.08.2024 registered under Sections 103(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police station City Batala, Gurdaspur.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Anita Vohra alleging that on the night of 13.08.2024, she along with her son Saurabh was returning to her house when the petitioner along with the co-accused Amar Khosla, Raman, Sonu, Banu and Gola intercepted them. All of them were armed with weapons. The

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petitioner made an exhortation to catch the son of the complainant and teach him a lesson for quarrelling with them. Thereafter, they opened an assault thereby inflicted blows with a *datar* on the head of the victim Saurabh. The other assailants also caused injuries on his person with their respective weapons and then they fled from the spot. The injured was rushed to the hospital and succumbed to his injuries as on 18.08.2024. The petitioner was arrested on 20.08.2024. The weapon of offence was recovered at the instance of the petitioner.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since 20.08.2024. The injuries attributed to the petitioner did not contribute to the cause of death. There is delay in lodging of the FIR which has not been explained. The fatal injuries were allegedly caused by other accused. His continued detention would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that the petitioner is a habitual offender since as many as nine other cases were registered against him and he also stands convicted in one of them. There are serious and specific allegations against him as he was an active participant in the occurrence and rather it was on his exhortation that the offence was initiated. It is argued that there are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be

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allowed.

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

6. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have opened an attack upon the victim and instigated the other accused, and in prosecution of common object thereof caused injuries to the victim which proved fatal and resulted in homicidal death of the victim. There are serious allegations against the petitioner. The trial is going on at a proper pace. There is nothing on record to show that there would be any undue delay in conclusion of the trial. The allegations prima facie reveal the presence of the petitioner at the spot with weapon and his participation 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.

8. 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

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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 or not. Such knowledge can reasonably be collected from the nature of the assembly, the weapon used, the behaviour of the participants at or before the scene of action.

9. In the instant case, the petitioner along with the co-accused by forming membership of an unlawful assembly is alleged to have opened an attack upon the victim. The allegations prima facie show his clear involvement/participation in the occurrence while having knowledge that the such offences were likely to be committed in prosecution of common object. The allegations against the petitioner are serious in nature as he along with 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. The material witnesses are yet to be examined. 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.

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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. Taking into consideration the nature of the allegations as levelled against the petitioner, the part attributed to him, his antecedents and the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |