

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:027865



CRM-M-41076-2025 (O&M)

Arshdeep @ Arsh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	20.02.2026
2.	The date when the judgment is pronounced	23.02.2026
3.	The date when the judgment is uploaded on the website	23.02.2026
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. Maneesh Bali, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in case arising out of FIR No.35, dated 14.05.2023, registered under Sections 308, 341, 323, 148, 149 IPC (Sections 302 and 201 IPC were added later on), at Police Station Nakodar Sadar, District Jalandhar Rural.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Jagdish Singh, alleging therein that on 12.05.2023, he along with his brother Surjit Singh was present in his shop, when Vijay Kumar S/o Tirath @ Pala reached there and started verbal arguments with his brother on some issue. Thereafter, he started manhandling him but with the intervention of neighbourers and complainant, he was pacified. At about 02:00 P.M., when the complainant and his brother were going towards their house for having lunch, they were intercepted by the petitioner along with accused, Vijay Kumar, Yograj @ Gogi, Raja and Bir Nath etc. who encircled the complainant and his brother. They were armed with weapons. Accused Vijay Kumar made an exhortation for teaching a lesson for messing with him and then he pushed the complainant, due to which he had fallen down. Accused Bir Nath struck a blow with an iron road on the head of his brother, due to which he too fallen down and blood started oozing out of his head. Thereafter, the petitioner and co-accused had extended beatings to his brother while he was lying on the ground and inflicted injuries on his person with the weapons that they were carrying. On clamour being raised by the complainant, some persons reached at the spot and then the assailants fled away. Injured Surjit Singh was rushed to the hospital in a critical condition. Initially, a case under Sections 308, 341, 323 and 149 read with Section 149 IPC was registered. Victim Surjit Singh succumbed to the injuries on 23.06.2023. Offence under Section 302 IPC was added.

3. During the course of investigation, the petitioner was arrested. Co-accused Balwinder Singh @ Raja, Bir Nath and Yog Raj were also arrested. Accused Vijay Kumar could not be apprehended and has been declared a proclaimed offender. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither any specific overt act nor any specific injury on the person of the victim, has been attributed to him. He is in custody for a period of over 02 years and 07 months. The trial will take considerable time to conclude as only 03 out of 22 prosecution witnesses have been examined so far. He has clean antecedents. The fatal injury on the head of the victim had been attributed to co-accused, Bir Nath and not to him. His further incarceration would not serve any useful purpose. With these broad submissions, it is argued that the petition deserves to be allowed.

5. Per contra, learned State counsel, while relying upon the status report, has argued that there are serious and specific allegations against the petitioner. He by forming an unlawful assembly with the co-accused, actively participated in the occurrence, leading to homicidal death of victim Surjit Singh. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, injuries were inflicted by him and co-accused on the victim as well as the complainant. The injuries on the person of victim Surjit Singh proved fatal and he died due to impact of the same. The allegations *prima facie* reveal not only the presence of the petitioner at the spot but also his participation in the occurrence by assaulting the victim Surjit Singh. 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. The petitioner along with co-accused 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. The material witnesses are yet to be examined. He cannot be stated to be innocent only because no specific injury 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.

9. 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.

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

23.02.2026
harjeet

(MANISHA BATRA)
JUDGE

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