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2026:PHHC:031454



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Lakhbir Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: February 26, 2026

Date of Uploading: February 26, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Brijesh Nandan, Advocate and
Mr. Aditya Vinayak Bhanot Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present third 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 petitioner, in case bearing FIR No.197 dated 17.11.2021, under Sections 302/ 307/ 148/ 149/ 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 & 27 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Patti, District Tarn Taran.

2. The gravamen of the FIR in question is that the complainant, namely, Dalbir Singh stated that on 17.11.2021 at about 5:00 p.m., Lakhbir

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Singh (*petitioner herein*) and Vinod Kumar @ Gaggi arrived in a Swift car, followed by a Scorpio vehicle, after which Lakhbir Singh (*petitioner herein*) and Gursahib Singh began arguing over monetary dispute of ₹2,50,000/-.

During the altercation, Vinod Kumar @ Gattu allegedly took out a pistol and fired a shot in the air. Upon this, Jagdeep Singh @ Manna, Gursewak Singh, and Anmol Singh attempted to run for safety. While fleeing, the pistol allegedly carried by Jagdeep Singh @ Manna accidentally fell down, which was picked up by Vinod Kumar @ Gattu. Thereafter, Vinod Kumar @ Gattu and Lakhbir Singh (*petitioner herein*) allegedly fired shots with the intention to kill, which struck Jagdeep Singh @ Manna on his left eye, chin, and the left side of his chest. Anmol Singh @ Molla sustained injuries on the back of his head and other parts of his body while running. Gursewak Singh also suffered gunshot injuries. On hearing the alarm raised by the victims, the accused fled from the spot. Anmol Singh @ Molla and Jagdeep Singh @ Manna were declared brought dead. Gursewak Singh, who was in a serious condition, was referred to Guru Nanak Super Speciality Hospital, Tarn Taran, where he was admitted for treatment.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.11.2021. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there are material contradictions between the statements of the complainant and the injured witness, namely, Gursewak Singh, which strike at the root of the prosecution case and cast serious doubt on the credibility of the ocular version. Learned counsel has argued that

allegedly, the main dispute over the money in question is stated to be between Gursahib Singh and the petitioner (*herein*), therefore, there was no occasion for the assailants to allegedly kill Jagdeep Singh and Anmolpreet Singh leaving behind Gursahib Singh injured. Learned counsel further iterated that, in fact, it is the complainant-side who was the aggressor and initially strengthened their manpower by calling people and reached at the spot with dangerous weapons, and thereafter, called the petitioner at the spot of occurrence.

3.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further stated that after completion of investigation, the challan stands presented and out of total 27 prosecution witnesses, only 03 have been examined till date, hence, culmination of trial will take long. Learned counsel has further argued that the petitioner has suffered incarceration for more than 05 years, and, thus, no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned State counsel has argued that the petitioner along with his co-accused had committed the murder Anmol @ Mola and Jagdeep Singh, and one Gursewak Singh had also suffered gunshot injury. Learned State counsel has submitted that after culmination of investigation, challan stands presented and out of total 27 prosecution witnesses, only 03 have been examined till date. Learned State counsel has

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argued that, in case, the petitioner is granted concession of regular bail, there is all likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

6. As per prosecution case, it is borne out that the petitioner, along with co-accused persons, arrived at the spot armed with firearms and actively participated in the occurrence arising out of a monetary dispute. During the altercation, the co-accused fired in the air and thereafter, the petitioner along with Vinod Kumar @ Gattu allegedly opened fire with the intention to kill, resulting in the fatal injuries to Jagdeep Singh @ Manna and Anmol Singh @ Molla, while also causing gunshot injuries to Gursewak Singh. The incident led to the death of two persons and left one injured. The manner of the occurrence, prime facie, demonstrates premeditation, as the petitioner reached the spot in a vehicle along with armed associates, followed by another vehicle carrying additional persons, which reflects prior concert and common intention. The allegations attribute a specific and active role to the petitioner in firing upon the deceased, thereby directly connecting him with the commission of the offence.

7. Furthermore, the record reveals that instant plea is the third attempt by the petitioner to secure regular bail. The first bail plea was dismissed as withdrawn, vide order dated 21.08.2023, whereas, the second plea for grant of regular bail to the petitioner was dismissed, vide order

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dated 25.01.2024, by the co-ordinate Bench of this Court. The petitioner does not deserve the concession of regular bail, notwithstanding the period of custody, in view of the grave and serious nature of the allegations. The present case involves a brutal incident of firing in which two persons lost their lives due to gunshot injuries and another sustained firearm injuries. The offence is of an extremely heinous character, reflecting a complete disregard for human life and public safety. The allegations attribute an active and direct role to the petitioner in the commission of the crime, which was carried out with deadly weapons in a public place. The severity of the punishment prescribed for such offences, which may extend to life imprisonment or even capital punishment, provides a strong incentive for the petitioner to evade the process of law if released on bail. Mere long incarceration cannot be a sole ground for grant of bail in cases involving offences of such magnitude, particularly when the charges are of a serious nature affecting society at large.

8. 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 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

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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, 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 GovindUpadhyay 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.”

9. That apart, the State has already filed a short reply by way of an affidavit dated 27.11.2025, which is already on record *qua* medical condition of the petitioner. The following has been stated therein:

- “5. *That it is submitted that as per the MRI of the applicant/petitioner, medical opinion has been sought from the Medical officer, Central Jail, Shri Goindwal Sahib, as per which, it has been mentioned that said applicant/ petitioner he is suffering from pain in lower back and the concerned MO advised to avoid from lifting heavy weight. The true copy of medical opinion dated 26.11.2025 is annexed herewith as Annexure A-1 for kind perusal of this Hon'ble Court.*
6. *That it is submitted that no specialized or emergency treatment is recommended advised by the jail doctor. The applicant/petitioner has not made out any exceptional circumstances warranting grant of interim bail. The alleged medical Report (Annexure P-9) stated is neither serious not life-dangerous and the can be adequately managed within the jail premises by the Jail doctors.*
7. *That it is submitted that the applicant/ petitioner is attempting to misuse the ground of medical illness, as a strategy to secure release. The applicant/petitioner has a strong possibility of absconding, influencing prosecution witnesses, and tampering with evidence if he released on interim bail, especially considering the seriousness of the offences, the nature of allegations, and the stage of the trial.*
8. *That it is submitted that there are serious and specific allegations against the present applicant/petitioner of having committing the murder of two persons who lost their valuable lives and three persons sustained fired armed injuries. The prosecution evidence is still underway and the cross examination of the material witnesses*

is yet to be recorded in this case. Hence, the present application is deserves to be dismissed being devoid of any merit.”

10. The arguments raised at bar give rise to debatable issues, which shall be ratiocinated upon during trial. As per prosecution case, total 27 prosecution witnesses have been cited and out of which, only 03 are stated to have been examined, including the eye-witnesses duly supporting the prosecution version. Therefore, revealing that the trial is at nascent stage.

11. The allegations leveled against the petitioner are specific, grave and well defined, which *prima facie* indicate his 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 petitioner 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 petitioner, especially in light of the gravity of the allegations 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 petitioner 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.

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12. Considering the overall facts and circumstances, as discussed hereinabove, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail. Accordingly, the petition is, thus, devoid of merits and is hereby **dismissed**.

13. However, given the fact that the petitioner has been in custody for a considerable period, learned Court below is directed to make all earnest endeavours to expedite the trial and conclude the same as expeditiously as possible.

14. 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.

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

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

(SUMEET GOEL)
JUDGE

February 26, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No