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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.48489 of 2025

Anil Kumar @ Ninja ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	14.01.2026
2.	The date when the judgment is pronounced	19.01.2026
3.	The date when the judgment is uploaded on the website	19.01.2026
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. Viren Sibal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
44	18.04.2024	Shahpur Kandi, District Pathankot	302, 148 and 149 of IPC (201 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Rahul Kumar alleging that his younger brother Pankaj Kumar @ Panku was running a hair cutting saloon. On 18.04.2024, accused Vinod @ Sonu Dana called Pankaj Kumar at Baba Pir area. The complainant along with his brother and one Vikas had reached there at about 5 PM. The accused Vinod was present there along with the petitioner and other co-accused and all of whom were armed with weapons, after intercepting Pankaj Kumar, opened an assault upon him. The accused Vinod Kumar struck blows with datar on his head whereas the petitioner and others caused injuries on his person with their respective weapons. His left wrist and arms were deeply cut. The complainant and his companion raised clamour and then the assailants fled from the spot. The victim was rushed to hospital but was declared to be dead. By alleging that the accused Vinod and Rahul were having professional jealousy with the victim and therefore killed his brother, he prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 18.04.2024. The co-accused were also arrested. Investigation now stands completed.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 18.04.2024. The trial will take considerable time to conclude. Two of the accused have been extended benefit of bail. The injury on the person of the victim that has been attributed to him could not be considered as fatal. He is not involved in any other case of similar nature and was convicted in a case under Section 138 of Negotiable Instruments Act. His continued detention will not serve any useful purpose. It is, thus, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, a brutal attack was opened upon the victim Pankaj Kumar which resulted in sustaining several injuries by him and thereby causing his death. Two of the accused namely, Rohit Kumar and Pawan Kumar have been extended benefit of bail due to the reason that they were not identified as the assailants by material witnesses i.e. the complainant and PW-1 Vikas whereas, they have supported the prosecution version with regard to the participation of the petitioner in the crime. The petitioner had allegedly caused injuries on the right and left forearm of the victim. As per the postmortem report, there were deep incised wounds over his right forearm

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and deep incised wounds over left hand with degloving of left thumb, wrist, left forearm and left wrist which have been attributed to the petitioner as well as the co-accused. 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 of 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 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.

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9. 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. 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.

10. In light of the foregoing legal principles and other circumstances as discussed above, this Court finding no compelling ground to allow this petition. Accordingly, the petition is dismissed.

11. It is clarified that any observation made in this order is only for

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deciding this petition and shall not influence the outcome of the trial and
also not be taken as an expression of opinion on merits.

19.01.2026
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(MANISHA BATRA)
JUDGE

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