

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-51237-2025
Decided on : 16.01.2026

Rahul Kumar alias Rahul Loch

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Sahil Puri, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rahul Kumar alias Rahul Loch	175	13.07.2023	160, 302, 303, 323, 324, 325, 326, 332, 186, 353, 148, 149, 120-B IPC and 42 of Prisons Act	Kotwali	Kapurthala

2. Admittedly, the offence has taken place when the petitioner and all other accused were inside jail in other criminal cases. As per the custody certificate dated 15.01.2026, the petitioner was already there in jail in six other cases and the details of its status is mentioned here as under:

(i) *FIR No. 10/2022 dated 18.01.2022 registered under Section 379-B IPC, PS Kartarpur (Not on bail)*



- (ii) *FIR No. 03/2021 dated 04.01.2021 registered under Sections 452, 380, 379-B, 325, 323, 34 IPC, PS Kartarpur (Not on bail)*
- (iii) *FIR No. 16/2023 dated 08.02.2023 registered under Section 379-B, 386, 392, 506 IPC and Section 25 of Arms Act, PS Kartarpur (Not on bail)*
- (iv) *FIR No. 153/2017 dated 03.07.2017 registered under Sections 21/61/85 of NDPS Act, PS Sadar Jalandhar (Production warrants)*
- (v) *FIR No. 174/2020 dated 20.09.2020 registered under Sections 21/61/85 of NDPS Act and Sections 25/54/59 of Arms Act, PS Division 1, Jalandhar (Production warrants)*
- (vi) *FIR No. 53/2021 dated 31.03.2021 registered under Sections 379-B, 201 IPC, PS Kartarpur (Acquitted)*

3. The facts and allegations are being taken from the status report dated 30.09.2025 filed by the State, which are reproduced here under:

10. That no specific injury or individual weapon is attributed to petitioner Rahul Kumar alias Rahul Loch. However, he was part of the unlawful assembly which was armed with deadly weapons, and he actively participated in achieving the common object of causing death to Simranjit Singh and injuries to his associates.

D. The evidence based on which the petitioner was arraigned as an accused

That the petitioner was arraigned as an accused based on Letter No. 2755 dated 18.07.2023, received from the SIT. As per the investigation, it was found that the present Petitioner was involved in the conspiracy of the incident. That as per the CCTV footage of Phase-2, the Petitioner did not attack the deceased or his companions. The Petitioner along with some of his associates was near the gate of Phase-2 and kept preventing the gate of Phase-2 from being closed so that his fellow prisoners could go back to their barracks after committing the incident in Security Ward-E. The attack was carried out by a group of prisoners together.

***E. The evidence against the petitioner***

11. That the evidence against the petitioner includes his presence and participation in the unlawful assembly as seen in CCTV footage and identification by jail officials during investigation. His name specifically mentioned in the report by the SIT. Although the Petitioner was not found to have attacked the deceased or his companions and no specific injury is attributed to him, his active participation in the conspiracy and execution of the common object is established by the above evidence. The Petitioner along with some of his associates was near the gate of Phase-2 and kept preventing it from being closed so that his fellow prisoners could go back to their barracks after committing the incident in Security Ward-E.

F. The role of the petitioner

12. That the petitioner was a member of the mob of 30-35 inmates who, in furtherance of a premeditated conspiracy and with a common object, gathered at Gate of Phase-2 armed with deadly weapons, prevented the security staff from closing the gate. That the Petitioner did not attack the deceased or his companions. The Petitioner along with some of his associates was near the gate of Phase-2 and kept preventing the gate of Phase-2 from being closed so that his fellow prisoners could go back to their barracks after committing the incident in Security Ward-E. This Punlawful assembly led to infliction of fatal injuries to Simranjit Singh, resulting in his death during treatment. The petitioner's role was crucial in the execution of this unlawful assembly.

13. That the petitioner was member of unlawful assembly and in furtherance of the common object of the unlawful assembly remained present at the gate and his task was to prevent the closing of the gate till their companions after committing murder come back safely to their bunkers. So under the constructive liability under Section 149 IPC he is equally liable for the same offence which the other companions had committed i.e., murder of Simranjit Singh.



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4. From the details mentioned in the status report, it appears that petitioner did not cause any injury to the deceased and moreover, the allegation of hatching conspiracy or being present there at the gate of Phase-2 of garage and purpose of his presence, would be required to be established by the prosecution alongwith the motive behind it. The petitioner was arrested in the present case on 18.07.2023 and thereafter joined investigation on 24.07.2023. Final report against him was submitted on 16.10.2023 and thereupon charges were framed on 23.10.2024.

Out of total 41 prosecution witnesses, none has been examined till date (as per status report dated 13.09.2025), thus, petitioner is inside jail for the last more than a period of more than 02 years, 05 months' without there being any start of process of recording of evidence of prosecution. As far as involvement in other criminal cases is concerned, which has already been noticed in the order from the custody certificate (supra), though in the status report, only three of the cases have been described. In regard to the registration of the other criminal cases, it would be worth noticing that co-accused of the petitioner namely Vikas Kalyan @ Nannu, against whom also four criminal cases were registered and also was found involved almost with the similar kind of role has been extended the concession of bail by Coordinate Bench of this Court vide order dated 22.01.2025 passed in CRM-M-58770-2024. The other co-accused namely Gopal Kumar has also been granted bail by this Court vide order dated 24.01.2025 passed in CRM-M-57021 of 2024.

5. Primarily his plea of bail is considered to be genuine, because there is no allegation of causing any injury to the deceased or any other person.

6. Consequently, prayer made in the present petition is **allowed**.



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Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands **disposed of**.

 Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

January 16, 2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No