

2026:PHHC:043088



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-51355-2025 (O&M)

Chanan Singh @ Channa @ Gurcharan Singh ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or 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. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Savreet Singh Brar, Advocate
for the complainant.

MANISHA BATRA, J.

- Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner
in case bearing FIR No. 91 dated 09.10.2023, registered under Sections 302,
323, 148 and 149 of IPC at Police Station Khem Karan, District Tarn Taran.
- Brief facts of the case relevant for the purpose of disposal of

2026:PHHC:043088



this petition are that the aforementioned FIR was registered on the statement of complainant Harpal Singh alleging therein that he and his brother Rachhpal Singh jointly owned 6 killas of land adjoining their residence. The land adjacent to their land belonged to their aunt Veero, out of which approximately 2½ killas had been leased out to the present petitioner. On 09.10.2023 at about 12:41 PM, the complainant received a phone call from co-accused Prabhjit Singh @ Prabhu, who asked him to send his brother Rachhpal Singh outside for a discussion. After sending his brother, the complainant followed him after few minutes and saw that Prabhjit Singh @ Prabhu (armed with a datar), Shamsher Singh @ Shera (armed with a dang), Gurlal Singh (armed with a dang), and the petitioner along with 4-5 unknown persons, were present near the leased land. The complainant further alleged that the petitioner raised a *lalkara* to catch hold of Rachhpal Singh and teach him a lesson for releasing water into their leased land. The petitioner then caught hold of complainant's brother Rachhpal Singh and Prabhjit Singh @ Prabhu inflicted a datar blow on the left side of his head with an intention to kill, which caused profuse bleeding and resulting in his fall. Thereafter, co-accused Shamsher Singh @ Shera and Gurlal Singh further assaulted the victim Rachhpal Singh with sticks. On the complainant's raising alarm, all the assailants fled from the spot with their respective weapons. The injured Rachhpal Singh was immediately taken to Civil Hospital, Sura Singh, where he was declared dead. The motive for the occurrence was stated to be a dispute over irrigation as water from the complainant's field had allegedly entered into the paddy fields of the accused due to leakage, leading to a grudge and the subsequent attack.

2026:PHHC:043088



3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. Accused Prabhjit Singh @ Prabhu was arrested on 09.10.2023. He got recovered the weapon of offence i.e. a datar, used by him in committing subject crime. The petitioner was arrested on 22.10.2023. He suffered disclosure statement admitting his involvement in commission of subject offences. He got recovered the mobile phone, which was used for making call to the complainant for sending the victim for alleged discussion. Co-accused Shamsher Singh was found to be innocent during investigation. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury has been attributed to him. It was a case of sudden scuffle between the parties due to some dispute on account of watercourse. The ingredients for commission of offence under Section 302 of IPC are not attracted qua the petitioner as there was no prior meeting of mind on his part to participate in the occurrence. He has clean antecedents. He has been in custody since 09.10.2023. Co-accused Gurlal Singh has already been granted concession of regular bail by this Court, vide order dated 23.07.2025 passed in **CRM-M-41793-2024**. The case of the petitioner is even on better footing. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. His further

2026:PHHC:043088



incarceration would not serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner. The victim had died a homicidal death. The petitioner had not only made an exhortation to teach a lesson to the victim but had also caught hold of him while other assailants were inflicting injuries on his person. He had played an active role in commission of subject offences. Co-accused Shamsher Singh is still at large. There are chances of the petitioner's absconding or intimidating the witnesses, if released on bail. The trial may be expedited. Reliance is placed upon the authority cited as ***Sagar v. State of U.P. and another, 2025 SCC OnLine SC 2584*** to argue that parity cannot be the sole ground for grant of bail. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has considered the submissions made by both the sides.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have made an exhortation to teach a lesson to the victim and to have caught hold of him, while other assailants had inflicted several injuries on his person with their respective weapons. The victim has admittedly died a homicidal death. As per the post-mortem examination report, four injuries were found on his dead body. There are serious and

2026:PHHC:043088



specific allegations against the petitioner. He was not a mere bystander, rather, he is specifically attributed the role of raising a *lalkara* and physically restraining the deceased, thereby facilitating the co-accused in inflicting the fatal blow. The contention of learned counsel for the petitioner that no specific injury has been attributed to him does not advance his case. At the stage of consideration of bail, the Court is required to examine the broad probabilities and not to conduct a mini trial. The allegation of catching hold of the deceased coupled with exhortation is sufficient, *prima facie*, to establish common object of the unlawful assembly. The role played by the petitioner *prima facie* indicates his active participation and attracts the rigours of Sections 149 and 302 IPC. 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. Such knowledge may reasonably be collected from the nature of the assembly, arms, or behaviour at or before the scene of action.

8. So far as the parity with co-accused Gurlal Singh is concerned, the case of the petitioner might be at parity or at better footing with the said co-accused, who has been granted concession of bail. However, the well settled proposition of law is that the parity cannot be the sole ground for grant of bail. It is purely a discretion of the Court. Before granting or refusing bail, the Court must satisfy itself after considering the material

2026:PHHC:043088



placed on record and further developments in the investigation or even otherwise other peculiar facts of the case which show that there are sufficient grounds for releasing the accused on bail or not. In *Sagar*'s case (supra), the Hon'ble Supreme Court has observed that the relief of bail is to be granted with due regard to the circumstances involved in the alleged offence. While utilizing parity as a ground for bail, the Court must focus on the role of the accused and cannot be utilized solely because another accused person was granted bail in connection with the same offence and neither can this ground be claimed as a matter of right.

9. The allegations against the petitioner are serious in nature as he along with the 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 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. 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 complainant 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. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

2026:PHHC:043088



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.

20.03.2026

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No