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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53144 of 2025

Vicky ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	16.01.2026
2.	The date when the judgment is pronounced	20.01.2026
3.	The date when the judgment is uploaded on the website	20.01.2026
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. Ashit Malik, Senior Advocate with
Mr. Abhinav Kansal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Ms. Parul Saini, Advocate,
for the complainant.

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
637	27.07.2020	Panipat City, Districxt Panipat	302, 148, 149 and 120-B of IPC (323 and 341 of IPC added later on)

2. As per the allegations, on 27.07.2020, on receipt of an information about one unknown person lying injured in the area of Tau Devi Lal Complex, a police party reached there where the complainant Pritam Singh submitted a written complaint to the effect that the injured was his nephew Manpreet Singh and he too had reached there on receipt of an information regarding sustaining injuries by the victim and had found him to be dead. He also disclosed that he had also made inquiries at his own level and had come to know that a verbal altercation had taken place between the petitioner and the victim and hot words were exchanged. Subsequently, the petitioner in collusion with other accused had opened an assault upon the victim with the help of sticks, batons and iron rod thereby causing injuries to him resulting into his death.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body was conducted as per which the death had occurred due to sustaining head and other injuries. The statements of witnesses were recorded. On 29.07.2020, the complainant produced a DVD containing CCTV footage capturing the incident which showed that the petitioner along with co-accused Sunny, Ashu and Anil had inflicted injuries on the person of the victim and had caused his death. The accused Anil, Ashu and Sunny had joined into investigation. They suffered

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disclosure statements admitting their involvement in the crime. Some other accused were arrested during the course of investigation. The petitioner could not be arrested. Challan was presented against the co-accused. The petitioner was joined into investigation on 04.03.2025. He too suffered disclosure statement admitting his involvement in the crime and disclosing that he had given kicks and fist blows to the victim whereas the co-accused Anil, Ashu and Sunny had assaulted the victim. Investigation qua him stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant is not eye-witness to the occurrence. No specific injury has been attributed to him. As per the CCTV footage, he was standing empty handed whereas the accused Ashu had caused injuries to the victim. The said accused has been extended benefit of bail. The trial will take considerable to conclude since only 04 out of 35 witnesses have been examined. He has no criminal antecedents. It is, therefore, argued that he deserves to be released on bail.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that the allegations against the petitioner are quite serious in nature as being member of unlawful assembly and in conspiracy with the co-accused, he had caused brutal injuries on the person of the victim thereby causing his instantaneous death. The trial has commenced and there is nothing on record to show that there would be any undue delay

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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 is alleged to have voluntarily caused several injuries on the person of the victim who had succumbed to the same and had died at the spot. He was named in the FIR itself and is alleged to have actively participated in the occurrence. The allegations prima facie reveal the presence of the petitioner at the spot 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

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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.

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. 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

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to allow this petition. Accordingly, the petition is dismissed.

11. 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.

20.01.2026
manju

(MANISHA BATRA)
JUDGE

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