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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-53805-2025

Date of decision: 29th January, 2026

Dilbagh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 192 dated 19.08.2024 registered under Sections 115(2), 109, 125, 333, 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 103 and 103(1) of BNS added later on), Sections 25 and 27 of Arms Act, 1959 (Sections 331(8), 351(8) of BNS added later on) at Police Station Gharinda, District Amritsar.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Dilpreet Singh on 19.08.2024, alleging that on the same day, he was standing outside along with his father Lakhwinder Singh, when the petitioner along with the co-accused, reached there being

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armed with weapons. All of them started hurling abuses to him and his father and when they tried to stop them, accused Arjan Singh and Sajjan Singh fired shots with pistols in the air. The complainant tried to snatch the pistol from Arjan Singh but Manna Singh struck a blow with a *datar* on his head. Accused Arjan Singh hit the head of his father Lakhwinder Singh with a bracelet. The complainant and his father raised clamour and then all of them fled away. When the complainant was proceeding to report the matter to the police, he received an information that all the above named persons had gone to his house, opened fire with an intent to kill the family members of the complainant and three members of his family members had sustained injuries. The complainant and his father rushed back home and saw that Balwinder Singh and Amarjit Kaur, uncle and Aunt, respectively, of the complainant and seven year old daughter of Major Singh, had been shot at and they were lying in an injured condition. They were rushed to hospital.

3. After registration of FIR, investigation proceedings were initiated. The victim Amarjit Kaur succumbed to the injuries during the course of her treatment on 20.08.2024. Offence under Section 103 of BNS was added. The petitioner was arrested on 19.12.2024. He suffered disclosure statement admitting his involvement in the crime and further disclosed that while fleeing from the spot, he had destroyed the *daang* used by him by breaking it and then setting it on fire. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over one year

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and one month. No specific act has been attributed to him. Either at the time when he along with the co-accused had allegedly assaulted the complainant and his father or at the time, when the house of the complainant was alleged to have been ransacked and his family members were shot at. No firearm injury has been attributed to him. In fact, he had no concern with the occurrence and was not present there. The co-accused Lakhbir Singh, whose case is on similar footing, has since been extended benefit of bail. He has clean antecedents. Trial will take considerable time to conclude. No purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

5. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, firstly the complainant and his father were intercepted and injuries were caused to them and sometime thereafter the assailants had reached at the house of the complainant and had used firearms which resulted in causing injuries to three members of the family of the complainant, one of whom succumbed to the same. The allegations prima facie reveal the factum

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of presence of the petitioner at the spot with a *daang* and his participation in the occurrence. He has been linked to the acts attributed with the aid of Section 149 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 or the behaviour of the participants at or before the scene of action.

9. The allegations levelled 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

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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. Taking into consideration the nature of the accusations, severity of punishment if the accusations entail a conviction, circumstance peculiar to the case and in the light of the foregoing principles, this Court finds no compelling ground to allow the present petition. Accordingly, the same is dismissed.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |