



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

CRM-M-57454-2025 (O&M)

Rahul Sandhu ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	04.02.2026
2	The date when the judgment is pronounced	06.02.2026
3	The date when the judgment is uploaded on the website	06.02.2026
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. Nakul Sharma, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Tejinder Kataria, Advocate
for the complainant.

MANISHA BATRA, J.

- This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 354 dated 08.09.2023, registered under Sections 302, 307, 341, 148, 149 and 120-B of IPC and Section 25 of the Arms Act, 1959 at Police Station City Ferozepur, District Ferozepur.
- The aforementioned FIR was registered on the basis of the statement recorded by complainant Mani on 08.09.2023 alleging therein that on the same day, he along with his brother Amit Kumar and uncle

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Mahinderpal was going towards his house. His brother Amit Kumar was riding a separate motorcycle, whereas the complainant was a pillion rider on the motorcycle of his uncle Mahinderpal. On the way, Amit Kumar, who was a little ahead of them, was intercepted by the petitioner and co-accused Jacob @ Jackie, Vijay Kumar, Manjeet Kumar, Kala, John Kumar and three unknown persons. Within the sight of the complainant, the petitioner fired a shot upon Amit Kumar, due to which, his motorcycle fell down. He rushed towards a medical shop for his rescue but then co-accused Vijay Kumar and Jacob @ Jackie fired shots with their respective weapons, thereby injuring Amit Kumar, who had fallen down. On clamour being raised by the complainant and his uncle, the assailants tried to open an assault upon them but they saved themselves by driving their vehicle towards the street. Thereafter, the assailants had fled away. The victim was rushed to the hospital. Initially, a case under Section 148, 307, 348 read with Sections 149 and 120-B of IPC and Section 25 of the Arms Act was registered. Investigation proceedings were initiated. During the course of treatment, the victim succumbed to the injuries on 09.09.2023. Offence under Section 302 of IPC was added. During the course of investigation, co-accused John Kumar, Sukha @ Subhash Kumar and Sewak were arrested. The petitioner was arrested on 30.10.2023. He suffered disclosure statement admitting his involvement in the subject crime. The pistol used by him was already recovered by accused Sewak, who disclosed that he had taken the same. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of vague allegations. No specific

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injury or overt act has been attributed to him. Co-accused Manjeet Singh, John, Rajan Bhandari, Tinka, Sewak and Rahul Bhandari have already been granted concession of bail. On parity, the petitioner too deserves to be given the same benefit as the prosecution version is highly improbable and unnatural. His father is suffering from paralysis. He is the only male member in the family. No recovery has been effected from him. He has a permanent abode. There are no chances of his absconding. His involvement in other cases cannot be considered as a reason for denying him concession of bail. Conclusion of trial would take considerable time. He is in custody since long. His continued detention would not serve any useful purpose. Hence, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the petitioner is a habitual offender, who is involved in several other cases including two cases of similar nature. There are chances of his intimidating the witnesses, committing similar offences or absconding, if released on bail. The case of the petitioner cannot be stated to be at par with that of the co-accused, who have been granted concession of bail as the allegations against him are direct and serious in nature, being an active participant in the occurrence. Therefore, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. 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 fired shots with his weapon upon the victim,

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thereby causing his death. The allegations prima facie reveal the factum of his presence at the spot and his active participation in commission of the subject crime. He has also been linked to the acts attributed with the aid of Section 149 of IPC. As such, even his presence in the unlawful assembly with an active mind to achieve the common object makes him vicariously liable for the acts of the unlawful assembly. The victim had been intercepted by the petitioner and co-accused on the way. Therefore, it is clear that the petitioner knew beforehand that the offence actually committed was likely to be committed in prosecution of the common object. 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. The material witnesses are yet to be examined. The apprehension of petitioner's intimidating the witnesses, expressed by learned State counsel, cannot be stated to be unfounded. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Keeping in view the gravity of the allegations, the part played by the petitioner, the evidence collected during investigation, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that no case

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is made out in favour of the petitioner for his release on bail, at this stage.
Accordingly, the petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No