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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

129

CRM-M-61048-2025

Date of decision: 11th March, 2026

Satpal @ Satta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chetan Juneja, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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. 229 dated 02.09.2023 registered under Sections 148, 149, 341 and 302 of IPC at Police Station Saha, District Ambala, Haryana.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Raj Kumar alleging that on the evening of 01.09.2023, he had come to the market of village Saha for some personal work and while he was going back towards his village Samalhedi and reached at bus stand of village Tepla, he found one youth to be lying on the road in an injured condition. Several persons were surrounding him. On reaching there, he identified the said person as his brother Gurmeet Singh @

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Kaka. Blood was oozing out of his head, chest and mouth and he was in a critical condition. In the meanwhile, police officials had also reached there. The victim was taken to civil hospital, Ambala Cantt, but was declared to be brought dead. On reaching at the spot, he had found several brickbats to be lying on road and on making inquiry, he had come to know that his brother had been assaulted by the present petitioner accompanied by co-accused Gurmail Singh, Naresh Kumar, Rahul, Parkash, Shanty and their other companions, feeling offended, on account of some previous altercation that had taken place between the deceased and Gurmail Singh.

3. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted. On 03.09.2023, the accused Gurmail Singh, Naresh Kumar, Pawan, Raj Kumar, Rahul and Shanty were arrested on the basis of a secret information. They were interrogated and suffered disclosure statements admitting their involvement in the crime. They also demarcated the place of occurrence. The petitioner was arrested on 05.11.2024. He too suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. Investigation qua him stands concluded and supplementary challan has been filed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Co-accused Gurmail Singh, Naresh Kumar, Rahul, Ram Kumar @ Parkash, Aman Kumar @ Shanti and Karamjit Singh @ Paramjit Singh have been convicted by the trial Court. A false recovery

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has been planted upon him. There is no direct eye-witness to the murder of the victim. The case rests upon circumstantial evidence and there is no circumstantial or incriminating evidence to connect the petitioner with the commission of subject offences. The material witnesses who appeared in the trial of the co-accused did not support the prosecution version and had turned hostile. No recovery has been effected from him. No specific injury or overt Act has been attributed to him. Trial will take considerable time to conclude. No useful 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 there are serious allegations against the petitioner. He was named in the FIR. The co-accused faced trial separately and were convicted on the basis of evidence produced on record qua them. The material witnesses in this case are yet to be examined. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. The circumstances pointed out towards his complicity in the crime. It is, thus, argued that he does not deserve to be released on bail.

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 unlawful assembly, injuries were inflicted on the person of the victim which resulted into his homicidal and instantaneous death on the date of

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occurrence. The petitioner was named in the FIR. There are serious allegations against the petitioner. The trial is going on at a proper pace. There is nothing on record to show that there would be any undue delay in conclusion of the trial. 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, the behaviour of the participants at or before the scene of action.

9. In the instant case, the petitioner along with the co-accused by

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forming membership of an unlawful assembly is alleged to have opened an attack upon the victim. 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. The material witnesses are yet to be examined. 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. Taking into consideration the nature of the allegations as levelled against the petitioner, the part attributed to him, his antecedents and 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 the

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petition does not deserve to be allowed. Hence, 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

11th March, 2026
Parveen Sharma

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