

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:035933



CRM-M-62401-2025 (O&M)

Jasbir @ Jassi

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	06.03.2026
2.	The date when the judgment is pronounced	10.03.2026
3.	The date when the judgment is uploaded on the website	10.03.2026
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. DPS Bajwa, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. 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 arising out of FIR

No.103, dated 01.05.2025, registered under Sections 103(1), 127(1), 190, 191(3), 249 and 238 of the BNS, at Police Station City, District Kaithal.

2. The adumbrated facts as emanating from the record are that on 01.05.2025, on receipt of information about one youth being stabbed by several other youths near Railway Gate Kaithal, a police party rushed to the spot and found one motorbike and a car standing at the spot. A lot of blood was found lying on the road. It was informed that the injured youth had been rushed to the hospital. On reaching there, the complainant – Aman, who was an eye witness to the incident, submitted a written complaint to the effect that about 01 year back, an altercation had taken place between his friends Kulbir, Mohit and himself with Vicky, Aman and Mida, due to which the latter had been nursing grudges against them. On the same day, he along with his friend Kulbir had come to market from his village and when they were going back on their motorbike and had reached near Railway Gate Market, Kaithal, they were intercepted by above named Aman, Mida, Vicky, Sahil, Jai Parkash and Karamjeet, who accompanied by two other persons, were having weapons with them. They opened an assault upon the complainant and Kulbir. Out of fear, the complainant had fled towards side and his friend was assaulted by the assailants with knives. Subsequently, on coming to know that Kulbir had been admitted in hospital, he had come to the hospital and found that the victim had died.

3. After registration of the FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim – Kulbir was conducted. Accused Jai Parkash was arrested on 03.05.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime. On the basis of his statement, the present petitioner was nominated as an accused. He too was arrested on 05.05.2025 and suffered disclosure statement to the effect that he along with other assailants had opened assault upon complainant – Aman and victim Kulbir and had extended injuries to them by giving fist blows and kicks. Aman had managed to flee whereas they had made victim Kulbir fall on the road. He disclosed that accused Sahil struck a blow with knife on the person of Kulbir and had struck blows on his head with his bracelet and then all of them had fled. Investigation now stand completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. No specific role has been attributed to him. The victim had sustained stab injuries, which were attributed to co-accused Sahil with a knife and not to the petitioner or any other accused. No test identification parade of the petitioner has been conducted. There is no material on record to establish his presence at the time of occurrence. He is in custody since long. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose.

Even the complainant – Aman, who was the only eye witness to the occurrence, has not supported the prosecution version and has not implicated the petitioner in the commission of the subject offence in his sworn deposition. No recovery has been effected from him. The trial would take considerable time to conclude as only 01 out of 40 prosecution witnesses has been examined so far. With these broad submissions, it is urged that he deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature as by forming unlawful assembly with the co-accused, he had caused homicidal death of the victim. He is visible in the CCTV footage of the camera installed at the site of the occurrence. His blood stain clothes had been recovered. It is, thus, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, injuries were inflicted on victim-Kulbir, resulting into his homicidal death. The petitioner was not named in the FIR and has been nominated on the basis of disclosure statement of the co-accused. He has been linked to the acts attributed with the aid of Section 190 of the BNS. He is alleged to have given fist blows and kicks to the victim.

As per the post mortem report, all the injuries, which were sustained by the victim were stab wounds, except one, which is shown to have been incised wound. These stab wounds have not been attributed to the petitioner. The essential ingredients for commission of the offence under Sections 190 of the BNS are that there must be an unlawful assembly and offence must have been committed in prosecution of common object of that unlawful assembly. It is well settled proposition of law that in cases of group violence, individual roles must be specifically established, and mere presence at the scene of the crime cannot impute the same level of culpability to all accused. The absence of such specific evidence against petitioner militates against the denial of bail. Reference in this regard can be placed upon the decision of the Hon'ble Supreme Court in **Ranjit Singh Vs. State of Madhya Pradesh, (2011) 4 SCC 336** wherein it was so observed.

8. Keeping in view the above discussed facts and circumstances and the role attributed to the petitioner, this Court is of the considered opinion that the petitioner cannot be imputed the same level of culpability as compared to the assailants who had actively participated in the occurrence of murder of victim and as such, the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that observations made hereinabove

shall not be construed as an expression of opinion on the merits of the case.

10. Pending application(s), if any, shall also stand disposed of.

10.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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