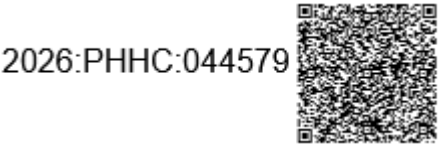


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-69330-2025 (O&M)

Gurpreet Singh @ Goma

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	16.03.2026
2.	The date when the judgment is pronounced	20.03.2026
3.	The date when the judgment is uploaded on the website	20.03.2026
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. Naveen Kumar, Advocate and
Mr. Chinku Bawa, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

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 bearing FIR No.56 dated 20.06.2023, registered under Sections 302, 506, 148, 149, 212, 216, 201 IPC

(Sections 302, 323, 216, 201 IPC were added and Sections 307, 323 IPC were deleted lateron), at Police Station Badali Ala singh, District Fatehgarh Sahib.

2. The afore mentioned FIR was registered on the basis of a statement recorded by the complainant – Avtar Singh on 20.06.2023 alleging that on the night of 19.06.2023, he was present at his house along with his family members when the accused Manjot Singh @ Joti along with co-accused and some unknown persons came outside his house. They started raising *lalkaras* thereby calling upon the son of the complainant, namely, Baljinder Singh to come out of his house. On hearing so, the complainant and his son Baljinder Singh came out of their house and found all of them armed with weapons. Within the sight of the complainant, the accused Kulvir Singh opened an attack upon his son thereby stabbing him with a *kirch* in his abdomen, with an intention to kill him. The present petitioner also caused injuries with some sharp edged weapon whereas the others extended beatings with sticks. The clamour raised by them attracted the co-villagers, on seeing whom they fled away in a tractor which was being driven by co-accused Manjot Singh @ Joti while criminally intimidating them. The injured son of the complainant was immediately rushed to hospital. Initially, a case under Sections 148, 307, 323 and 506 IPC read with Section 149 IPC was registered. Investigation proceedings were initiated. During investigation, the victim succumbed to his injuries and died due to which offence under Section 302 IPC was added. The petitioner along with co-accused Kulvir Singh and Gurpreet Singh @ Babba were arrested. Some other co-accused were also arrested. Investigation now stands

completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 21.06.2023. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Co-accused Gurtej Singh @ Teji and Manjot Singh @ Joti have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Per contra, it is argued by learned State counsel that there are serious allegations against the petitioner. The material witnesses have been examined and have duly identified the petitioner as one of the assailants. The case of the petitioner cannot be stated to be at parity with the case of co-accused, who have since been extended benefit of bail since material witness did not implicate them in commission of subject offences. It is, therefore, argued that he does not deserve to be extended the benefit of bail.

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

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 voluntarily caused fatal injuries to the victim Baljinder Singh, which resulted in his homicidal death. The material witnesses have since been examined and have duly identified the petitioner as one of the assailants. The allegations *prima facie* reveal the presence and active participation of the petitioner 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.

7. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. The allegations *prima facie* show his involvement in the occurrence while having knowledge that such offences are likely to be committed in prosecution of common object. He cannot be stated to be innocent only because no overt act has been attributed to him. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the gravity of the accusations 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. It is also well settled proposition of law 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)*.

8. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

9. 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.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

20.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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