

2026.PHHC.045882



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-69487-2025

Rahul Kumar @ Rahul
State of Punjab

Versus

...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.03.2026
2	The date when the judgment is pronounced	24.03.2026
3	The date when the judgment is uploaded on the website	24.03.2026
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. Yajur Sharma, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

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. 44 dated 31.05.2025 registered under Sections 103, 191(3), 190 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Section 25 of Arms Act, 1959 (Sections 61(2), 49, 115(2) and 249 of BNS added and Section 3(5) deleted

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later on) at Police Station Verka, District Police Commissionerate Amritsar.

2. The FIR was registered on the basis of the basis of complaint made by the complainant Sukhdev Singh @ Raju on 31.05.2025, alleging therein that on the same morning, Kaka and his sister Rajveer Kaur made a call to Shamsheer Singh @ Shera and his nephew Manpreet Singh alias Bobby, asking them to come near Nanda Hospital. Both of them went there and were encircled by accused Kaka, his sister Rajveer Kaur, and 10–12 unknown persons. All of them opened an attack upon Manpreet Singh and Shamsheer Singh and caused injuries to them on their heads with the butts of pistols which they were carrying. The victims had fallen down and raised clamour, on hearing which, some persons reached at the spot and then the assailants fled away. The injured were rushed to the hospital. The complainant further alleged that when his nephew Manpreet Singh reached CHC Hospital, he received a call and was asked to come to Makhan Dhaba for a compromise. His nephew apprised him about this fact. On hearing so, the complainant, along with his brother Kuldeep and friend Randhir Singh reached at the informed place, where accused Kaka and his father Mangal Singh were found present along with some unknown persons. A scuffle took place between them, and Kaka and his accomplices had fired shots at him, from which he had a narrow escape. However, four shots were fired at his brother Kuldeep Singh, who succumbed to the firearm injuries.

3. After registration of the FIR, investigation proceedings were

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initiated. Post-mortem examination of the dead body of the victim was conducted. The accused Mangal Singh @ Kala was arrested on 31.05.2025. On his disclosure statement, the petitioner was nominated as an accused and was arrested on the same day. He too suffered disclosure statement on the basis of which one Amarjit Singh @ China was nominated as an additional accused. Some other accused were subsequently nominated. Investigation now stands completed.

4. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No specific role, injury, or any overt act has been attributed to him. He is not alleged to have been carrying any weapon at the time of occurrence. His test identification parade has not been conducted. His antecedents are clean. Trial is likely to take time to conclude as not even a single witness has been examined so far. 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 the petitioner by forming membership of an unlawful assembly with the co-accused, had voluntarily caused simple as well as grievous injuries to the complainant and his brother. The injury sustained by the brother of the complainant resulted in his homicidal death. The trial has commenced and there is nothing to show

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that there would be any undue delay in conclusion thereof. It is, therefore, argued 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 thereof, is alleged to have caused homicidal death of the victim Kuldeep Singh. The disclosure statement of the co-accused though subject to evidentiary scrutiny at trial cannot be brushed aside at this stage when it forms part of chain of circumstances pointing out towards the involvement of the petitioner in the crime. The petitioner 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

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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 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

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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 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

24th March, 2026
Parveen Sharma

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