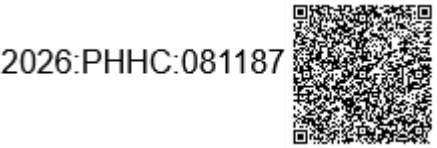


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



105CRM-M-70450-2025 (O&M)

Gurcharan Singh Mann & another... Petitioners

Vs.

State of Punjab... Respondent

1.	The date when the judgment is reserved	19.05.2026
2.	The date when the judgment is pronounced	22.05.2026
3.	The date when the judgment is uploaded on the website	22.05.2026
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. P.S. Sekhon, Senior Advocate with
Ms. Nitika Sekhon, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

Mr. P.S. Dhaliwal, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The petitioners have jointly filed this petition for grant of regular bail in case arising out of FIR No.100, dated 16.12.2024, registered under Sections 103(1), 109, 118(1), 190 and 238 of the BNS and Sections 27 and 30 of the Arms Act, at Police Station Bhadaur, District Barnala.

2. As per the allegations, on the evening of 15.12.2024, the complainant – Amarjit Singh @ Ambu along with his brother Gurmail Singh and son Sukhjit Singh was present in his house and was having conversation with them when suddenly, petitioner No.1 – Gurcharan Singh Mann armed with a rifle accompanied by petitioner No.2 – Ranjit Singh @ Mithu, Jasvir Singh, Baljit Singh, Nirpal Singh, Narain Singh, Satwinder Singh @ Falla and Lakhvir Singh came there. They were armed with weapons and opened assault upon them. Accused Lakhvir Singh struck blows with a sword on Sukhjit Singh i.e. son of the complainant and accused Satwinder Singh struck blows with *gandasa* on his person. The complainant rushed for rescue of his son but had sustained injuries at the hands of Baljit Singh, Nirpal Singh and Sukhman Singh. Accused Jasvir Singh while proclaiming that the complainant and his family should not be spared, struck blow with a *barcha* in the abdomen of Sukhjit Singh. Accused Narain Singh struck a blow with *ghop* on the chest of the complainant. They sustained injuries and raised clamour. Petitioner No.1 fired shots with the rifle which he was having in his hands. Thereafter, accused Kulwinder Singh fired shots with his revolver and then the assailants, while hurling abuses to the complainant, left the spot. The cause of grudge was that the petitioner No.1, Gurcharan Singh had contested Panchayat elections against Sukhjit Singh and had lost the same.

3. After registration of the FIR, investigation proceedings were initiated. The victim Sukhjit Singh succumbed to the injuries sustained by

him. Post mortem examination of his dead body was conducted. The petitioners and some co-accused were arrested on 18.12.2024. Subsequently, some other accused were also arrested. The rifle used in the occurrence was found to be licensed weapon of petitioner No.2 Ranjit Singh @ Mithu. Investigation now stands completed.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are in custody since long. There are no chances of conclusion of the trial in near future as only 01 out of 59 prosecution witnesses has been examined so far. No specific injury has been attributed to either of them. As per the allegations, petitioner No.2 fired shots in the air. Nine of the persons named as accused have been found to be innocent. The prosecution version is full of discrepancies since in his supplementary statement, the complainant had changed the location of place of occurrence. No useful purpose would be served by detaining the petitioners in custody anymore. It is, therefore, argued that they deserve to be extended the benefit of bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended the benefit of bail.

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

7. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common

object thereof, injuries were inflicted on the members of the complainant party, including victim Sukhjit Singh, who had succumbed to the same. Several other persons were injured in this incident. Petitioner No.1 was armed with a *gandasa* at the relevant time, whereas petitioner No.2 was armed with a rifle and had also fired shots with this weapon. They might not have been attributed any specific injury, however, they have been linked to the acts attributed with the aid of Section 190 of BNS, 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. The petitioners along with co-accused stand accused of a heinous crime punishable with capital punishment or life imprisonment. The allegations *prima facie* show their active complicity in the occurrence while having knowledge that such offences are likely to be committed in prosecution of common object. At this stage, it cannot be presumed that they were innocent only because no specific overt act has been attributed to them. 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 103 of BNS. 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)*.

9. 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.

10. 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.

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

(MANISHA BATRA)
JUDGE

22.05.2026

harjeet

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