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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-72766-2025

Date of decision: 20th February, 2026

Vikas @ Rishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Inderjit Sharma, Advocate with
Mr. Rajat Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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. 191 dated 11.10.2025 registered under Sections 103, 109, 190, 191(3), 61(2) and 249 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') read with Sections 25 and 27 of Arms Act, 1959 at Police Station City Batala, Police District Batala, District Gurdaspur.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Amandeep Kumar, on 11.10.2025, alleging therein that on the night of 10.10.2025, he had gone to the showroom of his brother-in-law Sudhir Chanda. Some other persons were already present there.

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The complainant noticed two persons namely Kanav Mahajan and Sarabjit Singh @ Kaka while standing outside the showroom along with 2-3 youths. Suddenly, four youths came on motorbikes and started firing shots towards Kanav Mahajan and Sarabjit Singh @ Kaka with intent to kill them. In the meanwhile, two other persons came on foot and they also started firing shots with intention to kill. On hearing noises, Sanjeev Seth, Chander Chanda and Amritpal Singh came outside the showroom and the assailants started firing towards them also. Four persons were injured. On clamour being raised, the assailants fled from the spot. The complainant identified three of them as Baldev Singh, Kushal and Saim, who were already known to him. The injured were rushed to the hospital. However, victims Sarabjit Singh @ Kaka and Kanav Mahajan succumbed to the injuries and were declared to be brought dead. The complainant alleged that the motive behind the occurrence was demand of extortion of money by the members of some gangsters of gang Jaggu Bhagwanpuria.

3. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead bodies of the victims were conducted. During the course of investigation, accused Gurpeet Singh @ Gora was apprehended. He was interrogated and suffered disclosure statement on the basis of which the present petitioner and some other accused were nominated as such on the allegations that they had been harbouring the accused persons by providing shelter and financial support to help them to evade arrest. The petitioner was arrested on 16.10.2025. Investigation qua him

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stands 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 the co-accused Gurpreet Singh @ Gora, which cannot be considered to be admissible in evidence. The allegations that he had harboured the assailants is totally vague. Neither the names of the accused, who were allegedly harboured by him, had been disclosed in the disclosure statement of the co-accused nor any such names have been collected during the course of investigation. He is in custody since long. No criminal case is pending against him. No useful purpose would be served by detaining him in custody. Trial will take considerable time to conclude since not even a single out of 45 prosecution witnesses, has been examined so far. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. Learned State counsel has argued that the petitioner had played an important role in the occurrence as he had provided shelter and financial support to the assailants after the commission of offence of murder. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed 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 harboured the assailants who had committed the murder of the victims Kanav Mahajan and Sarabjit Singh @

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Kaka. He was nominated on the basis of disclosure statement of the co-accused Gurpreet Singh @ Gora. It is only on the thorough assessment during the trial that any conclusion as to the complicity of the petitioner in commission of offence of harbouring can be drawn and not at this stage. There are no allegations that he had any hand in the murder of the victims. Trial is obviously likely to take time to conclude as all the prosecution witnesses are yet to be examined. In the considered opinion of this court, further incarceration of the petitioner is not going to serve any useful purpose. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Keeping in view the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th February, 2026

Parveen Sharma

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