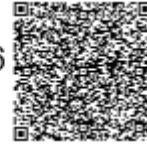


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:158276



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CRM-M-17796-2024 (O&M)
Date of decision:14.11.2025

Gourav Sharma @ Goru Bacha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Sanjeev Sharma, Advocate and
Mr. Arshjot Singh, Advocate for the petitioner.

Ms. Ramta Chowdhary, DAG, 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.155 dated 16.07.2023, registered under Sections 302, 34 IPC and Section 25 of the Arms Act (offences under Sections 120-B and 212 IPC were added lateron), at Police Station City Moga, District Moga.

2. The aforementioned FIR, was registered on the basis of statement recorded by the complainant Mahinder Kaur, on 16.07.2023 alleging that her younger son Sukhdev Singh @ Sebu was confined in Faridkot Jail in connection with some case. On the same day, she, along with her husband Santokh Singh, was present in her house when someone

knocked at her house. On opening the gate, she found four persons to be present there. They disclosed that they had been sent by Sukhdev Singh. They came inside and asked for water. The husband of the complainant also reached there. Suddenly, one of those four persons, took out a pistol from his pocket, and while pointing the same towards her husband, fired shots with the same. Her husband had fallen down due to the impact of injuries sustained by him. She raised clamour, on hearing which the assailants fled. Her husband succumbed to the injuries. After registration of FIR, investigation proceedings were initiated.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is confined in different jails since September, 2016 even at the time of the alleged occurrence. He was confined in Faridkot jail and therefore, neither there were any chances of his being present at the spot at the time of alleged occurrence nor it is alleged to be so. The allegations against him have been levelled qua hatching a conspiracy for committing the murder of the victim, though, he had no motive nor being lodged in jail, he was in a position to do so. He had no grudge or enmity with the victim or his family. He is in custody in this case since long. Trial will take considerable time to conclude. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, it has been argued by learned State counsel that there are serious and specific allegations against the petitioner and it was he, who has hatched a conspiracy with the co-accused to commit murder of the victim due to the reason that Sukhdev Singh son of the complainant and victim Santokh Singh were confined in the same jail, wherein the petitioner

was confined. Sakhdev Singh had inflicted injuries on the person of the petitioner in Central Jail, Faridkot and to take revenge, conspiracy was hatched by the petitioner with the co-accused to kill some family members of Sukhdev Singh and then co-accused had killed them. It is further argued that after committing the murder of the victim, co-accused have even posted a post on Facebook account that the victim had been killed to take revenge of the injuries inflicted by Sukhdev Singh on the petitioner in Central Jail, Faridkot. It is submitted that the petitioner is a habitual offender. 44 cases qua commission of serious offences have been registered against him in different police stations. There are chances of his intimidating the witnesses, absconding or committing similar offences, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused to eliminate some family members of Sukhdev Singh with whom he was having a grudge and as per the allegations in pursuance of that conspiracy, co-accused had committed murder of father of Sukhdev Singh. The allegations as levelled against the petitioner prima facie establish his complicity in the crime. Rather he appears to be the main conspirator, who had a motive to get the victim killed. The trial has commenced and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds

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)*. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

(MANISHA BATRA)
JUDGE

14.11.2025

harjeet

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