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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.131-1

CRM-M-71972-2025
Date of Decision: 09.03.2026

YASHVARDHAN RAJPUT AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Ms. Tanu Bedi, Advocate and
Mr. Shivam Kapila, Advocate
for the petitioners.

Mr. H.S. Wadhwa, DAG, Punjab.

Mr. G.S. Sandhu, Advocate
for the complainant.
(Appeared through video conferencing).

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the concession of regular bail to the petitioners in case FIR No. 70 dated 15.05.2025 registered under Sections 109, 103(1), 190, 191(3) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Satnampura, Phagwara, District Kapurthala.

2. Briefly stated, the present FIR has been registered on the basis of the statement made by Ahmed Mohamed Nour Ahmed Hussien, who alleged that on 15.05.2025 at about 4:00 a.m., he along with his friends had gone outside after offering prayers when 6–7 unknown persons started abusing them and demanded the mobile numbers of their sisters. When they objected to the said conduct, the assailants allegedly attacked them with



knives and inflicted injuries on him and his companion Mohamed Wada Bala Yousif Ahmed. Both the injured were taken to Johal Hospital, where Mohamed Wada Bala Yousif Ahmed was declared dead, while the complainant was admitted with serious injuries. During the course of investigation, the names of the accused persons including Kunwar Amar Pratap Singh and Yashvardhan Rajput surfaced as the persons who allegedly attacked the complainant and the deceased with knives, resulting in the death of one person and injuries to the other, upon which the present FIR came to be registered.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. It is submitted that during the course of investigation the CCTV footage of the occurrence was examined, which shows that petitioner Yashvardhan Rajput was merely standing at the spot empty-handed, whereas petitioner Kunwar Amar Pratap Singh was seen holding bricks in his hands, but neither of them is seen causing any injury to the complainant or the deceased. It is further argued that the investigating agency, after examining the CCTV footage and other material on record, found the present petitioners along with some other co-accused innocent and a report recommending their discharge was submitted before the trial Court. However, the learned Magistrate did not accept the said report and ordered further investigation in the matter. Even after reinvestigation, the investigating agency again concluded that the present petitioners had no role in the occurrence and again recommended their discharge, but the learned Magistrate declined to accept the same and took



cognizance of the offence and summoned the present petitioners along with other co-accused to face trial.

4. *Per contra*, learned State counsel opposed the present bail petition and submitted that though during investigation the petitioners were initially found innocent by the investigating agency and a report recommending their discharge was submitted before the trial Court, however, the learned Magistrate did not accept the said report and ordered further investigation. After completion of further investigation also, the investigating agency again recommended their discharge, but the learned Magistrate disagreed with the opinion of the investigating agency and summoned the petitioners to face trial. It is submitted that the said order has also been upheld in revision. Learned counsel appearing for the complainant has also contested the bail application and submitted that once the trial Court, after considering the material on record, has taken cognizance and summoned the petitioners to face trial, it *prima facie* indicates their involvement in the occurrence. It is further contended that the petitioners were part of the unlawful assembly and their presence at the spot is evident from the CCTV footage and, therefore, even if no specific injury is attributed to them, they are vicariously liable for the acts committed by the members of the unlawful assembly. It is further argued that the material witnesses in the case are yet to be examined and the case is yet to be committed to the Court of Sessions and, therefore, the petitioners do not deserve the concession of regular bail at this stage.

5. After hearing learned counsel for the parties and perusing the material available on record, this Court is of the considered view that the



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petitioners are not entitled to the concession of regular bail at this stage. Although the investigating agency had initially recommended discharge of the petitioners on the ground that they were found innocent during investigation, however, the learned Magistrate did not accept the said report and, after considering the material available on record, summoned the petitioners to face trial. The said order has also been affirmed in revision. The case is still at a nascent stage as it is yet to be committed to the Court of Sessions and proceedings against some of the co-accused are also pending. The presence of the petitioners at the spot is evident from the CCTV footage and petitioner Kunwar Amar Pratap Singh is even seen holding bricks in his hands during the occurrence. In such circumstances, it cannot be said at this stage that the petitioners had no role whatsoever in the occurrence.

6. Considering the seriousness of the allegations, the stage of the trial and the possibility of the petitioners influencing the witnesses or otherwise hampering the course of trial, this Court does not find any ground to grant the concession of regular bail to the petitioners. Accordingly, the present petition is dismissed.

7. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

8. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

09.03.2026

Anu

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