

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NOS. OF 2026
(ARISING OUT OF SLP (CRL) NOS. 21318,21319 & 21321 OF 2025)
AND

SLP(CRL.)NO.21320 OF 2025

RAJNI **...APPELLANT(S)**

VERSUS

STATE OF PUNJAB & ANR. ETC. **...RESPONDENT(S)**

ORDER

1. Leave granted.
2. The present appeals arise from the common judgment and order dated 19th September, 2025 passed by the High Court of Punjab & Haryana at Chandigarh in CRMM No.13074/2025, 18919/2025, 47223/2024 and 59461/2024 whereby the Respondent-accused were granted regular bail in connection with FIR No.140 dated 13th September, 2023. The appellant herein is the complainant and the wife of the deceased, Manjinder Singh.
3. The brief facts necessary for adjudication for the present appeals are as follows:
 - 3.1. FIR No.140 came to be registered at P.S. Nangal on 13th September, 2023 at the instance of the appellant

under Sections 302, 307, 324, 506, 148 and 149 of the Indian Penal Code¹, 1860 and Sections 25, 45 and 59 of The Arms Act, 1959. During the course of investigation, offences under Sections 482, 427 and 201 of IPC were also added.

3.2. The case of the prosecution is that on 12th September, 2023, the deceased, Manjinder Singh, was attacked when he was visiting the appellant at the hospital who was admitted there for medical treatment. It is alleged that the Respondent-accused along with other co-accused persons formed an unlawful assembly and were armed with deadly weapons including kirpans, swords and pistols. They assaulted the deceased and inflicted multiple injuries on his head, arms, shoulders, hands, legs and ankles, resulting in his death. The post-mortem report records 13 injuries on the person of the deceased.

3.3. It is further alleged that when the appellant attempted to intervene and save her husband, the accused persons attacked her with sword and inflicted injuries on her hands, arms and legs. The prosecution alleges that Respondent No.3 attempted to fire a shot at the chest of the deceased which instead struck his shoulder and arm. Further on, the accused persons

¹ IPC

allegedly damaged the deceased's car and removed CCTV DVR from the hospital premises.

3.4. The specific role attributed to the Respondent-accused, as emerging from the FIR and the chargesheet, is as follows:

- i) Respondent No.2, Satish Kumar @ Kaka, is alleged to have actively participated in the assault and was stated to be carrying a pistol at the time of the incident.
- ii) Respondent No.3, Gurcharan Singh @ Bikka, is alleged to be one of the principal assailants. He allegedly attacked the deceased with deadly weapons and assaulted the appellant with a sword. He is further alleged to have attempted to fire at the chest of the deceased, but cause firearm injuries on the shoulder and arm instead. It is also alleged that he raised lalkaras referring to the previous murder of his brother, allegedly committed by the deceased.
- iii) Respondent No.4, Jagdeep Kumar @ Sumit, has not been attributed any specific overt act in the FIR. However, he was nominated on the basis of statements of co-accused persons and recovery of kirpan allegedly effected from his possession.

- iv) Respondent No.5, Roop Lal @ Roopa, is alleged to have participated in the assault and was stated to be armed with a pistol.
- 3.5. The chargesheet came to be filed on 7th December, 2023 against the Respondent-accused and 2 other co-accused persons. Charges were framed by the Trial Court on 8th April, 2024.
- 3.6. The applications preferred by the Respondent-accused seeking regular bail came to be rejected by the Trial Court on the following grounds:
- i) Respondent No.4's application was rejected vide order dated 23rd August, 2024 observing that, though he was not named in the FIR, he had been nominated as an accused during the investigation on the basis of disclosure statements of co-accused persons and the recovery of Kirpan had been effected from him.
 - ii) Respondent No.2's application was rejected vide order dated 6th September, 2024 taking note of the fact that he is specifically named in the FIR and attributed an active role in the assault of the deceased and appellant.
 - iii) Respondent No.3's application was rejected vide order dated 6th September, 2024 on the ground that he is the principle accused and

had played a central role in the commission of the offence.

- iv) Respondent No.5's application was rejected vide order dated 10th October, 2024 observing that he was specifically named in the FIR and had actively participated in the assault upon the deceased and appellant.

- 3.7. Aggrieved thereby, the Respondent-accused preferred separate petitions, being CRMM No.13074/2025, 18919/2025, 47223/2024 and 59461/2024 before the High Court seeking regular bail which came to be allowed by the impugned common judgment and order dated 19th September, 2025.
4. The High Court, vide the impugned order, allowed the petitions primarily on the ground that Respondent Nos.2 to 4 had undergone custody for a period of 1 year, 11 months and 29 days, while Respondent No.5 had undergone custody for 1 year, 9 months and 16 days. The High Court further observed that only 3 out of 30 prosecution witnesses had been examined and that the trial was progressing slowly. It was also noted that the complainant was examined only after issuance ofailable warrants, and accordingly, the delay in trial was attributed to the prosecution.

5. We have heard learned counsel for the parties and perused the material available on record.
6. Learned counsel appearing on behalf of the appellant as well as the learned counsel for the respondent-State were ad idem in urging that the offences alleged are of a grave and serious nature, having resulted in the death of one individual and causing injuries to the appellant herself. It was submitted with considerable emphasis that the grant of bail at this stage was wholly unwarranted, more so since the High Court passed a common and unconditional order without pausing to consider the distinct and specific role attributed to each of the accused persons. Learned counsel for the appellant further drew the attention of this Court to the criminal antecedents of Respondent Nos.2, 3 and 5, which allegedly involve offences of a serious character, and urged that their enlargement on bail would give rise to a real and proximate risk of their tampering with evidence or intimidating prosecution witnesses. It was also contended that the delay in the conclusion of the trial, being squarely attributable to the prosecution, could not be permitted to operate to the prejudice of the complainant, nor could it, in the facts and circumstances of the present case, constitute a self-sufficient and standalone ground for the grant of bail. The learned State

counsel apprised the Court that while 4 witnesses have been examined and 5 have been given up by the prosecution, as many as 29 witnesses remain yet to be examined.

7. Per contra, learned counsel appearing for respondent-accused sought to sustain the impugned order by contending that the High Court had rightly exercised its judicial discretion. It was submitted that the appellant herself had, in the course of her deposition, stated that some of the assailants had their faces muffled at the time of the incident, thereby rendering any identification of those accused persons doubtful and unreliable. It was further urged that there exists nothing on record to demonstrate that the respondent-accused have, in any manner, misused the liberty granted to them, and that the apprehension expressed by the appellant in that regard remains entirely unsubstantiated. Learned counsel for Respondent Nos. 3 and 5 additionally pointed out that these respondents are presently on bail in all other cases registered against them.
8. Having heard the learned counsels of the parties, we are of the view that the High Court erred in enlarging all respondent-accused persons on bail by way of a common order, without individually advertent to the distinct role

attributed to each accused and their respective criminal antecedents.

9. A perusal of the material on record leaves us in no doubt that the offence in question is of an exceptionally grave nature. The incident involved an unlawful assembly of persons armed with deadly weapons, which culminated in the death of the deceased and injuries to the appellant. The deceased sustained as many as 13 injuries, sufficient in the ordinary course of nature to cause death, as recorded in the post-mortem report. The appellant too suffered injuries when she attempted to intervene and save her husband. Against this backdrop, the individual roles attributed to each of the accused and their respective criminal antecedents assume considerable significance and warranted careful and individualized consideration before the grant of bail.
10. Respondent Nos. 2 and 5 are specifically named in the FIR, attributed an active role in the assault, and are alleged to have been armed with pistols. As per the information placed by Respondent No.2 himself before the High Court, as also confirmed by the State, he carries over 20 criminal antecedents involving offences under Sections 302, 307, 323 of the IPC, amongst others. Respondent No.5, similarly, has disclosed as many as 11 FIRs against him for offences of a serious nature

including under Sections 302 and 307 of the IPC. Respondent No.3 emerges, on the prosecution's case, as the principal accused, alleged to have attacked both the deceased and the appellant with deadly weapons, to have attempted to fire at the chest of the deceased, and to have raised lalkaras invoking a prior murder motive, lending the incident a distinctly premeditated character. As per his own petition before the High Court, he has disclosed 4 FIRs against him, while the affidavit filed by the State places the number of his criminal antecedents at 8. It is thus evident that Respondent Nos. 2, 3 and 5 each carry criminal antecedents of a serious nature, a material circumstance that was placed before the High Court yet conspicuously left unaddressed in the impugned order.

11. The High Court fell into error by allowing bail petitions primarily on the ground of the period of custody undergone and slow progress of trial, without meaningfully engaging with the gravity of the alleged offence, the specific and serious roles attributed to Respondent Nos.2, 3 and 5.
12. While the period of incarceration and delay in trial are undoubtedly relevant considerations, they cannot serve as the sole or determinative basis for the grant of bail in a case involving the alleged killing of a person by an armed mob. Criminal antecedents are not merely a

matter of record, but bear directly on whether an accused is likely to abide by bail conditions, refrain from repeating offences, or desist from intimidating witnesses. Where an accused carries multiple antecedents for offences as grave as those under Sections 302 and 307 of the IPC, such antecedents must weigh heavily against the grant of bail. The fact that this material was placed before the High Court yet received no consideration in the impugned order is a serious infirmity. The High Court's failure to individualize its reasoning and to weigh these disorienting factors renders the impugned order unsustainable insofar as it pertains to Respondent Nos. 2, 3 and 5.

13. The position with respect to Respondent No.4 is materially different and must be considered separately. Unlike Respondent Nos. 2, 3 and 5, he is not specifically named in the FIR, and no specific overt act has been attributed to him in the prosecution's case. His implication in the offence rests primarily on the disclosure statements made by Respondent Nos. 2 and 3 during interrogation by the police, and the recovery of a kirpan allegedly effected from his possession. Significantly, no criminal antecedents of Respondent No.4 have been brought to the notice of this Court by the State, which further distinguishes his case from that of the remaining respondents.

14. Having regard to the totality of these circumstances, and the distinct and relatively peripheral nature of the allegations against him as compared to the other respondents, we are not inclined to interfere with the bail granted to Respondent No.4. However, it is made clear that any observations made herein with respect to Respondent No.4 are limited to the question of bail and shall not be construed as an expression of opinion on the merits of the case against him.
15. Having regard to the aforesaid factors, we find that the High Court failed to duly appreciate the gravity and heinous nature of the offence alleged, involving the killing of a person by an armed mob using deadly weapons and causing injuries to the appellant. In offences of this nature, the Court is required to exercise a higher degree of caution and circumspection, bearing in mind the nature of the accusations, the multiplicity of injuries inflicted, the criminal antecedents of the accused, and the severity of punishment that may follow upon conviction.
16. The High Court, however, proceeded to grant bail on grounds which, in the facts of the present case, cannot be regarded as sufficient, namely, the period of custody undergone, which at the time of the impugned order stood at approximately 1 year and 11 months and has since increased to about 2 years and 8 months and the delay

in the progress of trial. Neither of these circumstances, standing alone, could have been determinative factors warranting the grant of bail when weighed against the gravity of the alleged offence, the active and specific roles attributed to Respondent Nos. 2, 3 and 5, and their considerable criminal antecedents involving offences of a serious nature.

17. It is also noteworthy that the trial is actively progressing and 4 prosecution witnesses have already been examined, 5 have been given up by the prosecution, and 29 are yet to be examined. We accordingly find that no case for the grant of bail to Respondent Nos. 2, 3 and 5 is made out at this stage.

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18. The appeals are allowed. The impugned order dated 19.09.2025 passed in CRMM No.13074/2025, 18919/2025 and 59461/2024 insofar as it grants bail to Respondent Nos.2, 3 and 5 is set aside. Respondent Nos.2, 3 and 5 are directed to surrender within a period of 4 weeks from the date of this order. In the event the aforementioned respondents do not surrender within the time allowed, the Trial Court is directed to take such measures as may be required to ensure their custody.

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19. We are not inclined to entertain the SLP with respect to Respondent No.4, Jagdeep Kumar @ Sumit for the reasons set out hereinabove. The SLP is accordingly dismissed.
20. Pending applications, if any, stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

**NEW DELHI
MAY 20, 2026**