

**IN THE COURT OF MOHIT BANSAL
ADDITIONAL SESSIONS JUDGE, RUPNAGAR
(UID No.PB0208)**

F.I.R No.75 dated 17.06.2025
U/ss: 103, 115(2), 351(3), 191(3), 190 of BNS.
Police Station: City Morinda.

Present: Sh.Brij Mohan Singh, Advocate, counsel for applicant/accused
Arshdeep Singh @ Arsh son of Harpreet Singh.
Sh.S.S.Saini, learned Addl. PP for the State.

ORDER

1. File of case titled as 'State Vs. Vishal @ Shahi & Ors.' bearing CIS No.SC-338 of 2025 pending in this Court, has been taken up.
2. Arguments on bail application heard.

GROUND'S MENTIONED IN THE BAIL APPLICATION

3. Briefly stated, it is averred in the instant bail application that the applicant/accused is innocent and has committed no offence. The applicant was living near Gurudwara Kotwali Sahib, Morinda and working as photographer and used to come home at late night from work. On the day of alleged incident, the applicant was coming to house at about 10/11:00 pm from his work place and suddenly gang war took place between some unknown persons. The applicant has got no concern with the alleged occurrence but the complainant intentionally got falsely involved the applicant in present false case.
4. It is further averred that the applicant is already in judicial custody and he is not required by police for investigation. The applicant undertakes to obey all the terms and conditions to be imposed by this Court. With these averments, a prayer for allowing the instant bail application, has been made.

ARGUMENTS ON BEHALF OF APPLICANT-ACCUSED

5. Learned counsel for the applicant/accused has submitted that applicant is in custody since 17.6.2025. Learned counsel has submitted that there is no attribution to applicant-accused as per FIR. The applicant has been falsely implicated as the house of applicant-accused is at walking distance from the house where the occurrence had taken place. Learned counsel has submitted that the applicant was bystander. The applicant has no criminal background. Keeping in view the sufficient custody, prayer to allow the bail application, has been made.

6. In support of his contentions, learned counsel has relied upon the following rulings:-

(i) Dataram Singh Vs. The State of Uttar Pradesh AIR 2018 SC 980,

(ii) Sanjay Chandra Vs CBI AIR 2012 SC 830,

(iii) Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav & Anr. AIR 2005 SC 921”

ARGUMENTS ON BEHALF OF THE STATE

7. On the other hand, Learned APP for the State has opposed the bail application and submitted that FIR has been lodged on the statement of complainant Harpreet Singh who had made statement to the police that accused Vishal @ Shahi, Gautam, Arshdeep Singh @ Arsh i.e. present bail applicant, Vishal son of Vijay Kumar, Nikhlesh @ Nikhil, Parmanpreet Singh and Harshdeep Singh @ Harsh had come together. Accused Vishal @ Shahi took out a kirch type sharp edged object and hit on right side in the abdomen of Manpreet Singh brother of the complainant. Learned counsel has

submitted that all the accused were present together and therefore, the bail application may be dismissed.

8. I have heard the rival submissions of learned counsel for applicant/accused, learned APP for State and perused the record carefully.

BRIEF FACTS OF THE FIR

9. The present FIR has been registered on the basis of statement made by the complainant Harpreet Singh, who has stated that they were two brothers. The name of younger brother was Manpreet Singh, who was doing work of welding. There was a street dog of white colour, which was being given food by their family. The said dog used to stay outside their house. At about 10:30 P.M., they heard noise of dog barking upon which his brother Manpreet Singh went outside the house and saw Vishal @ Shahi son of Gogi, Gautam, Arshdeep Singh @ Arsh, Vishal son of Vijay Kumar, Nikhlesh @ Nikhil, Parmanpreet Singh and Harshdeep Singh @ Harsh along with some unknown persons, were beating the above-said dog. Manpreet Singh tried to stop the said persons. Upon hearing noise, the complainant Harpreet Singh also came outside the house. The above-said persons started scuffling with Manpreet Singh. The complainant tried to rescue his brother, then the persons mentioned above also started beating the complainant.

10. Vishal @ Shahi took out a kirch type sharp edged object and hit in the abdomen of Manpreet Singh brother of the complainant due to which Manpreet Singh fell down. Then, Gautam, Nikhlesh and Harshdeep Singh @ Harsh gave kick blows to his brother. Arshdeep Singh @ Arsh, Vishal and

Parmanpreet Singh along with unknown persons also scuffled with the complainant and hit punches on his person.

11. Upon hearing the noise, family member of the complainant and some people from the locality came at the spot. On seeing the said person, the assailants ran away along with their respective weapons. Vishal @ Shahi while leaving the spot extended threats that he had earlier been in jail and it does not matter if he murders someone and go to jail again.

12. Thereafter, he checked his brother Manpreet Singh, who was lying face down on the street. Upon checking, it was found that some fat type flesh was coming out from his right rib. Manpreet Singh was unconscious. The complainant and other family members took Manpreet Singh to the Civil Hospital, Morinda where Manpreet Singh was declared dead. The complainant has stated that accused Vishal @ Shahi son of Gogi, Gautam, Arshdeep Singh @ Arsh, Vishal son of Vijay Kumar, Nikhlesh @ Nikhil, Parmanpreet Singh and Harshdeep Singh @ Harsh along with some unknown persons murdered his brother Manpreet Singh. A request to take legal action against the said accused persons, was made.

OPINION FOR THE LIMITED PURPOSE OF DECIDING THIS BAIL APPLICATION

13. A perusal of the FIR goes to show that complainant Hapreet Singh had stated that on 16.06.2025 at about 10:30 pm, Vishal @ Shahi son of Gogi, Gautam, Arshdeep Singh @ Arsh, Vishal son of Vijay Kumar, Nikhlesh @ Nikhil, Parmanpreet Singh and Harshdeep Singh @ Harsh along with some other unknown persons were beating the dog. Manpreet Singh brother of

complainant tried to stop them. Then, Vishal @ Shahi took out kirch from his dub and hit in the right side abdomen of his brother Manpreet Singh.

14. No doubt, there is no attribution to Arshdeep Singh i.e. present bail application, yet, it cannot be ignored that applicant Arshdeep Singh was present along with Vishal @ Shahi, who had given kircch blow to Manpreet Singh. There is no such version that applicant Arshdeep Singh or any other member of the assailants had suffered any injury. Thus, it appears to be the case of cold blooded murder.

15. The ruling relied upon by learned counsel for applicant-accused are not in dispute. There is no dispute with the proposition of law that presumption of innocence is attached. However, this Court cannot loose sight of the fact regarding the gravity of the offence which has been alleged to have been committed.

16. Keeping in view the foregoing discussion, the gravity of offence, instant regular bail application does not deserve to be allowed and accordingly, the same is hereby **dismissed**.

17. These papers be attached with the main file titled as 'State Vs. Vishal @ Shahi & Ors.' bearing CIS No.SC-338 of 2025.

Pronounced in the Open Court
Dated: 02.03.2026
Jaswinder Singh, STG-I

(Mohit Bansal)
UID NO.PB0208
Addl. Sessions Judge,
Rupnagar.