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

CRM-M-50242-2026
Date of Decision: 11.09.2026

ANKIT KUMAR ALIAS ANKIT KAKAR **...Petitioner**

Vs.

STATE OF PUNJAB **...Respondent**

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Vishaliyar Vishnoi, Advocate for the petitioner.
Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. ***(Oral)***

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 439 Cr.P.C., seeking grant of regular bail to the petitioner/applicant-accused Vikram @ Pauaa in FIR No. 51 of 2025, registered under Sections 103(1), 126(2), 191(3), 190, 61(2) and 249 of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the NDPS Act, 1985, at Police Station Bahav Wala, District Fazilka. Section 249 BNS and Section 27 of the NDPS Act were subsequently added during investigation.

2. As per the prosecution, the present FIR arises out of an occurrence dated 01.05.2025 near Bishnoi Gym, Defence Road, Sito Gunno, wherein Bharat Ratan sustained multiple injuries and subsequently succumbed to the same on 02.05.2025. Initially, Daily Diary Report No.13 dated 01.05.2025 was recorded on receipt of information regarding the injured Bharat Ratan. After his death, the FIR was registered on the statement of his father, Radha Krishan. As per the complainant, on 01.05.2025 at about 3:20 PM, Bharat Ratan had gone to village Sito Gunno on his motorcycle. The

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

complainant was informed by Anmolbir Singh that Bharat Ratan had been surrounded near Bishnoi Gym by Yatin Godara, Sudhir Kumar, Vikram @ Pauaa and 5-6 unidentified persons, who had allegedly arrived in a Tata Harrier and a motorcycle and assaulted Bharat Ratan with sharp-edged weapons, sticks, rods and clubs. Bharat Ratan sustained serious injuries on his head, arms and legs and was initially taken to Civil Hospital, Abohar. He was thereafter referred for further treatment and was taken to Shri Kailash Multi-Speciality Hospital, Sri Ganganagar. While being shifted in an ambulance towards Bathinda, he succumbed to his injuries.

2.1 The prosecution further relies upon the statement of Anmolbir Singh, who claimed to have witnessed the occurrence. He stated that a Tata Harrier bearing registration No. PB-15-W-9629, allegedly driven by co-accused Sudhir Kumar, came near Bishnoi Gym and stopped there. Yatin Godara and three other persons allegedly alighted from the vehicle armed with a sharp-edged weapon, spade handle, iron pipe and bamboo stick and assaulted Bharat Ratan. Yatin Godara is alleged to have inflicted blows with a Kapa, while the other persons caused injuries with the respective weapons. According to the said witness, after the assailants fled from the spot in the Tata Harrier, Vikram @ Pauaa arrived on a motorcycle and followed the said vehicle.

2.2 During further investigation, on 11.05.2025, Lakhpat, brother of the deceased, made a statement before the Investigating Agency, pursuant to which several persons, including the present petitioner Ankit Kumar @ Ankit Kakar, were subsequently implicated in the case. As per the prosecution, the petitioner was not attributed the role of physically assaulting the deceased.

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

Rather, his alleged role is that of conducting reconnaissance/recce of the deceased in furtherance of the conspiracy to commit his murder.

2.3 As per the charge-sheet, the Investigating Agency, on the basis of the statements of witnesses, recovery of weapons, CCTV/DVR report and other material collected during investigation, concluded that Yatin Godara, Sudhir Kumar, Sehajpreet Singh, Jaspal Singh @ Shanty and Jashanpreet Singh @ Jashan had participated in the assault upon Bharat Ratan, whereas Meenakshi Godara was alleged to have participated in the conspiracy. The petitioner Ankit Kumar @ Ankit Kakar, along with Rajinder Kumar @ Babbu, Sanjay Kumar Dharnia, Vikram @ Pauaa and Akshay Delu, has been implicated for allegedly conducting reconnaissance/recce in connection with the offence. Ramesh Kumar @ Messi and Anil Kumar were allegedly involved in providing weapons and arranging accommodation after the occurrence.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has been in custody since 09.09.2025. It is submitted that the petitioner has not been attributed any role in the actual assault upon the deceased. No allegation has been levelled against him of inflicting any injury, using any weapon or being present at the spot when the deceased was assaulted. The specific role attributed to the petitioner during investigation is only that of allegedly conducting reconnaissance/recce of the deceased.

3.1 Learned counsel further submits that even the statement of Anmolbir Singh, who is projected as an eyewitness to the occurrence, does not attribute any role in the assault to the petitioner. The said witness describes the

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

assault by the other accused and does not state that the present petitioner participated in the assault or caused any injury to the deceased. It is contended that the allegation regarding the petitioner having conducted recce surfaced subsequently in the statement of Lakhpat dated 11.05.2025. Lakhpat was not an eyewitness to the alleged recce and there is no direct evidence showing the petitioner conducting any such reconnaissance. The allegation is vague and does not specify any particular date, time or specific act allegedly performed by the petitioner in furtherance of the said recce.

3.2 Learned counsel submits that the CCTV footage collected during investigation does not establish the presence of the petitioner with the assailants or his participation in the alleged occurrence. It is further submitted that no incriminating CDR, location data or other electronic evidence connects the petitioner with the alleged conspiracy. The motorcycle allegedly seized from the petitioner also does not find corroboration from any CCTV footage showing its movement in connection with the occurrence.

3.3 It is further submitted that Section 27 of the NDPS Act was subsequently added during investigation against the concerned co-accused and no specific allegation under the said provision has been attributed to the present petitioner. Thus, the addition of the said provision has no bearing upon the petitioner's role and the petitioner cannot be equated with the co-accused against whom the said allegation has been made. Learned counsel submits that the investigation stands completed and several supplementary charge-sheets have already been presented before the learned Trial Court. The prosecution had also sought further investigation, but the said application was subsequently withdrawn and such withdrawal was recorded by the learned

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

Trial Court vide order dated 18.12.2025. Consequently, no custodial interrogation of the petitioner is required.

3.4 Learned counsel further submits that the petitioner is similarly situated to several co-accused, five of whom have already been granted the concession of bail by this Court. The petitioner claims parity with the said co-accused, particularly when no overt act or role in the actual assault has been attributed to him. As regards the antecedents, learned counsel submits that the petitioner is on bail in the pending cases and two of the cases mentioned against him have already culminated in acquittal/closure. It is argued that mere pendency of other cases, particularly when the petitioner is already on bail therein, cannot by itself justify continued incarceration in the present case.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab. has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 09.09.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 11 months and 29 days.

6. Learned State counsel opposes the prayer for bail and submits that the allegations against the petitioner are serious in nature, arising out of a planned assault resulting in the death of Bharat Ratan. It is submitted that the petitioner is alleged to have conducted recce of the deceased in furtherance of the larger conspiracy. The role attributed to the petitioner has emerged during investigation and is supported by the material collected by the Investigating Agency. It is further submitted that the petitioner cannot claim parity as a matter of right with the co-accused, as the role of each accused has to be

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

considered independently. Learned State counsel also points out that the petitioner has several criminal cases to his discredit.

7. Be that as it may, the petitioner has been in custody since 09.09.2025. The role attributed to him is that of allegedly conducting recce of the deceased in furtherance of the alleged conspiracy. Significantly, no specific overt act of causing any injury to the deceased or use of any weapon has been attributed to the petitioner. The eyewitness account regarding the actual assault also does not attribute any role to the petitioner in the assault. The allegation of recce against the petitioner surfaced subsequently during investigation and is a matter to be tested during trial. It is also relevant that Section 27 of the NDPS Act was subsequently added against the concerned co-accused and no specific allegation under the said provision has been attributed to the present petitioner. The investigation stands completed, the final report as well as supplementary charge-sheets have been presented and no further custodial interrogation of the petitioner is stated to be required. Further, five co-accused have already been granted the concession of bail. Though the petitioner has criminal antecedents, the same cannot, by itself, be a ground to deny bail when considered along with the nature of the role attributed to him, the period of custody already undergone, completion of investigation and the principle of parity. The trial is also likely to take some time to conclude.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh

by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

11.09.2026
kv

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

KUMUD VERMA
2026.09.11 15:36
I attest to the accuracy and
integrity of this document
Chandigarh