

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44868-2024
Reserved on: 03.02.2025
Pronounced on: 28.02.2025

Amritpal Singh @ Kanu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Navjot Singh, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	23.02.2024	Sadar Dhuri, Distt. Sangrur	307, 341, 323, 506, 148, 149, 201 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 7 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That pursuant to the said order, it is submitted that the brief facts of case/FIR no. 27 dated 23.02.2024 u/s 307, 341, 323, 506, 148, 149, 201 IPC (offence u/s 307 IPC was added vide DDR No.14 dated 26.02.2024 and then offence u/s 307 was deleted and offence u/s 308 IPC was added vide DDR no.36 dated 25.10.2024 later on) P.S., Sadar Dhuri, District Sangrur are that the present FIR was registered against Jashan son of Amarjeet Singh resident of Gandowal, P.S. Sherpur, Sukhpreet Singh son of Kuldeep Singh resident of Jhaloor, District Barnala and 3 un-known persons on the

basis of statement of Shamsher Singh son of Chhaju Singh son of Uttam Singh resident of Soora Patti, Ghanauri Kalan to the effect that, he is an agriculturist. He has two children. His eldest daughter namely Ravneet Kaur is married at village Bhojowali and younger son namely Harmanpreet Singh, aged about 29 years, is also married and assists him in his agricultural work. On 22.02.2024, at about 6:15 P.M., his son Harmanpreet Singh was coming from the house of his (complainant) elder brother namely Balwinder Singh and when his son Harmanpreet Singh reached in front of their house then from Dhuri side one car, bearing registration number PB-44-B-6011 of white colour being driven by Jashan, came there and stopped near his son. Meanwhile Jashan, who was armed with an Iron Rod which was welded with half of bicycle chain and Sukhpreet Singh also armed with an Iron Rod along with three unidentified persons who were also armed with Iron Rods alighted from the vehicle. Jashan gave an Iron Rod blow towards his son which hit on the left side of his forehead. His son in order to save himself ran away. Then unidentified persons stopped him. Jashan and Sukhpreet Singh gave Iron Rod blows to his son on the back side of his head due to which his son fell down. While he was lying on the ground, all the accused persons inflicted injuries on the person of his son with their Iron Rods on his left arm and fingers of his left hand. He (complainant) raised alarm to save his son which attracted his nephew Amandeep Singh to the spot and seeing people gathering there, after giving threats of dire consequences to his son, all the accused along with their respective weapons ran away from the spot in their car. He got his son admitted to Civil Hospital Dhuri from where, due to his worsened medical condition, his son was referred to DMC Ludhiana, where his treatment is going on. On the basis of said statement of Shamsher Singh, present FIR was registered against Jashan and Sukhpreet Singh and 3 un-known persons and investigation commenced.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report. State counsel referring the status report dated 07.01.2025 submits that due to injuries on the person of victim Harmanpreet Singh, he was in COMA and hospitalized for 5/6 months at DMC,

Ludhiana and now also he is on bed and requires a care taker. Counsel for the complainant also opposes the bail and submits that more than 80 lakhs have already been spent on the treatment of the victim and so far there is no improvement.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“8. A. ROLE OF THE PETITIONER AMRITPAL SINGH @ KANU

The present FIR was registered against accused Jashan (Jashanpreet Singh @ Jashan verified later on) and Sukhpreet Singh and three un-known persons on the basis of statement of Shamsher Singh. During investigation, accused/petitioner Amritpal Singh @ Kanu and his 2 other co-accused were nominated as accused in this case. It was duly substantiated that on 22.02.2024, Harmanpreet Singh (son of complainant) reached in front of his house. Where all the 5 accused persons including present petitioner Amritpal Singh on car bearing PB-44-B-6011 armed with deadly weapons and they gave severe beatings to Harmanpreet Singh (son of complainant) with the common intention to kill him and inflicted 8 injuries to him, out of which, injuries no. 1, 2, 3, 4, 5 and 7 declared by the doctor as Grievous caused with blunt weapon and injuries no. 6 and 8 as simple in nature. It is further submitted that injured is not able to speak even now. So, a specific role is attributed to the petitioner in the commission of present serious offence.

B. THE EVIDENCE AGAINST THE PETITIONER

i) During interrogation accused Jashanpreet Singh @ Jashan disclosed that, he, Gurlal Singh @ Sunny, Ranjit Singh @ Dhindsa and Amritpal Singh @ Kanu in connivance with each other gave severe beating to Harmanpreet Singh with the intention to kill him. On the basis of his said disclosure, Gurlal Singh @ Sunny, Ranjit Singh @ Dhindsa and Amritpal Singh @ Kanu were nominated as accused in this case.

ii) Accused Gurlal Singh @ Sunny, Ranjit Singh @ Dhindsa and Amritpal Singh @ Kanu (now petitioner) were identified by Shamsher Singh (complainant) that they are the persons, who gave severe beatings to his son Harmanpreet Singh with the intention to kill him.

lii) From the statements of witnesses under section 180 of the BNSS it clearly revealed that the petitioner played an active role in the commission of the present offence.

C. xxx xxx xxx

The petitioners/accused took active part in the commission of present

offence in connivance with his other co-accused and all of them with common intention gave severe beatings to Harmanpreet Singh (son of complainant) with the common intention to kill him and inflicted 8 injuries to him, out of these injuries, injury no.1, 2, 3, 4, 5 and 7 declared by the doctor as grievous and injuries no.6 and 8 as simple in nature. So, the petitioner is not entitled for the grant of regular bail.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioners with the alleged crime. Given the injuries inflicted on the person of the victim and condition of the victim, who is still on bed, no ground is made out for grant of bail to the petitioner.
8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.