

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18060-2015

Date of decision: October 15, 2015

Amar Pal Singh @ Ambu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 306/302 IPC at Police Station Baja Khana, District Faridkot, vide FIR No.112 dated 9.11.2013.

Learned counsel for the petitioner has argued that petitioner deserves to be enlarged on bail as he was given a clean chit by the investigating agency. He has been summoned in exercise of powers under section 319 Cr.P.C. Besides, co-accused Gurnam Singh and Virpal Kaur have already been granted the concession of bail.

Prayer has been opposed by the State counsel. According to him, there is eye-witness account of the whole occurrence. Name of the petitioner figures in the FIR. He alongwith co-accused sprinkled diesel upon the body of father of complainant and set him ablaze.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

FIR was lodged by Kuldeep Singh. He alleged that on 9.11.2013 accused were trying to install a tubewell bore in their field. When his father tried to stop the accused, they assaulted him. Thereafter, they poured diesel oil on his father and set him ablaze. Complainant took his father to the Civil Hospital for treatment. Initially, a case under sections 307, 341, 323, 148, 149 IPC was registered. However, father of complainant namely, Jaskaran Singh succumbed to his injuries. Offence was, thus, converted to Section 302 IPC. It appears, an enquiry was conducted by Superintendent of Police (D), Faridkot, wherein he held that the petitioner was innocent and other accused were guilty of offence under section 306 IPC only. However, on the basis of material on record, trial court framed charges against the accused under section 302 IPC. Son of the deceased, who was the eye-witness, appeared as PW-1. He gave a clear account of manner in which the crime was committed. He alleged that petitioner alongwith Gurnam Singh and Virpal Kaur had sprinkled diesel oil on his father Jaskaran Singh and set him ablaze. Jaskaran Singh later died due to burn injuries.

Keeping in view entire facts and circumstances of the case, I am of the considered view that petitioner is not entitled to concession of regular bail at this stage. There is an eye-witness account of the whole occurrence. Name of the petitioner figured in the initial version given by the complainant. Trial court has already framed charge under section 302 IPC on the basis of material available on record. I am not convinced with the plea that petitioner deserves concession of bail on parity with

co-accused Gurnam Singh and Virpal Kaur. It needs to be noticed that the said accused approached this court with a plea for anticipatory bail basing their entire case on the enquiry conducted by the Superintendent of Police (D). They also submitted that at best, offence under section 306 IPC was made out. However, by now the trial court has framed charge under section 302 IPC. PW1 Kuldeep Singh has stepped into the witness-box and given an eye-witness account of the manner in which the crime was committed. In my considered view, petitioner is not entitled to concession of regular bail as trial is at its crucial stage. He shall, however, be at liberty to file afresh after some prosecution evidence is led and trial has made some headway.

Dismissed.

(RAJAN GUPTA)
JUDGE

October 15, 2015
'Rajpal'