

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

**Crl. Misc. No.M- 8857 of 2015
Date of decision : 20.07.2015**

Kirpal Singh @ Gurpal SinghPetitioner(s)

Versus

State of Punjab ...Respondent(s)

with

Crl. Misc. No.M- 14016 of 2015

Amarjit SinghPetitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Pardeep Bajaj, Advocate
for the petitioner (in CRM-M-8857-2015).**

**Mr. R.S. Bains, Advocate
for the petitioner (in CRM-M-14016-2015)**

Mr. V.P.S. Sidhu, AAG, Punjab.

**Mr. J.S. Lalli, Advocate
for the complainant.**

ANITA CHAUDHRY, J.(ORAL)

Two separate petitions have been filed, one by Kirpal Singh @ Gurpal Singh and other by Amarjit Singh seeking regular bail in FIR No.202 dated 10.12.2012, registered under Sections 302, 364, 336, 148, 149 IPC and Section 25, 27, 54, 59 of the Arms Act, Police Station Ajnala, District Amritsar Rural. Since both the petitions arise

from the same FIR, therefore, the same are being taken up together.

It is necessary to first give the facts. The complainant Sukhraj Kaur, the mother of the deceased Gurpreet Singh @ Goppy had lodged an FIR. She named Pragat Singh, Swarn Singh, his son, Tejinder Singh, Amrit Pal Singh, Ranjodh Singh, Samittar Singh, Balraj Singh, Gural Singh Nik, Amarjit Singh along with some more persons in the FIR. The allegations leveled by her were that all these persons were heavily armed and they entered her house and kidnapped her son Gurpreet Singh and took him to village Nangal on their motorcycles. They raised alarm on which the neighbours came out. All these persons went to the house of Pragat Singh where they saw that these persons were beating the complainant's son. When they tried to rescue Gurpreet, Sarpanch Amarjit Singh fired 2 – 3 shots from his rifle to scare them. The complainant side arranged a vehicle and admitted the injured to the hospital. The motive indicated in the FIR was that the accused side had apprehensions that Swaran Singh's niece Armanpreet Kaur had illicit relations with complainant's son and therefore, he was beaten to death.

The counsel representing petitioner Kirpal Singh @ Gural Singh had urged that the petitioner was arrested but was released on bail under Section 167(2) Cr.P.C. and subsequently he was declared innocent and was discharged but the trial Court summoned him under Section 319 Cr.P.C. and he is now in custody from the last eight and a half months. The counsel further submits that they had approached the Hon'ble Apex Court as well and thereafter, they had surrendered. The Counsel contends that no injury was attributed to the petitioner and in

the inquiry held by the police, he was discharged as his presence was found at a wedding ceremony and the trial is taking long.

The counsel representing Amarjit Singh has urged that the petitioner is the Sarpanch of the village and was a neutral person and an inquiry was conducted and his involvement was not found. It was urged that initially interim bail was allowed to him but his plea for anticipatory bail was rejected and he had surrendered. He urges that all material PWs have been examined and there are 29 witnesses in all and only 5 witnesses have been examined. He urges that it was the petitioner who had called the police and the call details are available on record. He urges that he was not related to the family and he had also called up the complainant side and his role comes only later on.

Responding to the arguments, the counsel appearing for the complainant had urged that Kirpal Singh @ Gurpal Singh's presence is recorded in the FIR but the police gave him clean chit. He urges that in the inquiry report, the police had let him off finding that he was attending a marriage of his Mama's son whereas his father Sammitar Singh was found to be on duty. It was urged that if there was a wedding in the family, then all the relatives would have been present and the plea of *alibi* is a defence which will have to be proved at the trial and since the petitioner had participated in the occurrence, Section 148/149 would come into play.

Opposing the prayer for bail for the second petitioner, it was urged that wrong facts are being presented and Amarjit's name is there in the FIR and the police had wrongly exonerated him and he had summoned by the trial Court and his application for anticipatory

bail was rejected. It was urged that he is admitting his presence on the spot but at the trial no suggestion on this count was made nor any suggestion was given that he had taken the injured to the hospital or that he had called up the police or that he had fired shots to scare the culprits. He urges that Amarjit Singh also belongs to the same family though in the third degree and they had the common great grandfather and some more private witnesses are yet to be examined.

The State counsel supported the complainant and prayed for dismissal of the application.

Both the petitioners are named in the FIR, the police gave them clean chit. Earlier Amarjit's petition for anticipatory bail was rejected. The prayer made by Kirpal Singh @ Gural Singh was rejected by the Hon'ble Apex Court and thereafter, Kirpal Singh had surrendered. The allegations are serious. The merits of the case are not to go into at this stage. So far as the plea of *alibi* of Kirpal Singh is concerned, that would be tested only after the prosecution has closed its evidence. No case for bail is made out.

Both the petitions are dismissed.

20.07.2015
sunil

**(ANITA CHAUDHRY)
JUDGE**