

**270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRM-M No. 36689 of 2016 (O&M)

Date of Decision: 01.03.2017

Amrit Pal Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Deepak Garg, A.A.G., Punjab.

Mr. P.B.S. Goraya, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

CRM-6380-2017

Copy of complaint is taken on record subject to all just
exceptions.

Main case

Petitioner has filed this petition under Section 439
Cr.P.C. for grant of regular bail in case bearing FIR No. 62 dated
28.05.2016 under Section 304 IPC and 25-27 of Arms Act

registered at Police Station Lopoke, District Amritsar.

Initially, offence in terms of Section 302/34 IPC was added but at the time of filing of challan, offence in terms of Section 302 IPC was deleted and offence in terms of Section 304 IPC was added.

The FIR was registered at the instance of Dilabgh Singh with the allegations that on 27.05.2016 at about 2.00 p.m., he was sitting in the house of his nephew Malkit Singh. In the meanwhile, friend of Malkit Singh namely Jagbir Singh along with Manpreet Sing and Noorjit Singh came and they took Malkit Singh along with them in order to take part in the Shagun ceremony of Amrit Pal Singh i.e. the petitioner. The complainant was also asked to come to the village Manj in the evening in order to attend the ceremony. When the complainant reached the place of ceremony, his nephew, petitioner and other friends were doing Bhangra. In the meanwhile, there was a noise of gun shot and thereafter, commotion took place. It was found that the nephew of the complainant had received a gun shot in his

abdomen and was lying on the ground. The complainant and others put him in a vehicle and took him to the hospital where he died.

Learned counsel for the petitioner submitted that in the original version forming subject matter of FIR, the petitioner was not named. Statement of Baljinder Singh son of Sukhwinder Singh under Section 161 Cr.P.C. was recorded on 28.05.2016. Baljinder Singh is brother-in-law of deceased Malkit Singh and is resident of different village. Petitioner being friend of deceased used to visit the house of aforesaid witness, therefore, Baljinder Singh was also invited to the function.

As per statement of aforesaid witness, Dilbagh Singh and the witness put Malkit Singh in the vehicle and went to the hospital. The presence of witness was not shown by the author of the FIR.

Statement of Jobanjit Singh son of Nachatter Singh under Section 161 Cr.P.C. was recorded on 21.06.2016 and he gave some different version in the context of taking the then

injured to the hospital. According to Jobanjit Singh, only Jagdeep Singh took Malkit Singh to the hospital and he along with Sukhjit Singh followed the vehicle. Neither the complainant nor the witness Baljinder Singh was shown present at that time. The allegation against the petitioner is that he took out .32 bore revolver from the dub of co-accused Sukhjit Singh and fired which ultimately hit on the right side of the abdomen of Malkit Singh.

According to learned counsel, there are apparent contradictions in the versions of all the three persons namely the complainant, Baljinder Singh and Jobanjit Singh. Moreover, father of the deceased also filed a criminal complaint in respect of present occurrence on 02.08.2016, but till date, no preliminary evidence has been led. The said complaint has been simply attached with the FIR. Charges have been framed, but no prosecution witness has been examined so far.

At this stage, without forming any opinion on merits of the case, I am of the view that the petitioner who is in custody

since 17.06.2016 is entitled for regular bail.

In view of above, the petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

01.03.2017

jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No