

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17781-2018

Date of decision :- 29.5.2018

Amandeep Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Monty Goyal, Advocate  
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

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**H. S. Madaan, J.**

This petition for grant of regular bail has been filed by petitioner – Amandeep Singh, an accused in DDR No. 19 dated 30.8.2017 for offences under Sections 307, 323, 324, 506, 148,149 IPC read with Section 25/27/54/59 of the Arms Act in FIR No. 187 dated 26.8.2017, for offences under Section 302/34 IPC and Section 25/27 of the Arms Act, registered at Police Station Sadar, Khanna, District Ludhiana.

Briefly stated, facts of the case as per the prosecution story are that the FIR in this case was registered on the basis of statement of Amandeep Singh s/o Kirpal Singh (present petitioner) r/o Ikolaha, Police Station Sadar Khanna, with regard to murder of

his real brother Gurjant Singh, whereas counter version was recorded at the instance of Davinder Singh @ Deepa s/o Balvir Singh, resident of that very village, wherein he stated that they are three brothers and out of those, his brother Harjit Singh alongwith his family is residing at Mandi Gobindgarh, whereas he – complainant Davinder Singh @ Deepa had been residing with his other brother Gurjant Singh and their parents; that house of the complainant Davinder Singh @ Deepa adjoins the house of his paternal uncle Kirpal Singh s/o Sadhu Singh; that one can see the entire house of Kirpal Singh from balcony of room situated on the roof of the house of the complainant. On 25.8.2017, at about 8.00 P.M. when the entire family of the complainant was present in their house, at that time, Balvir Singh father of the complainant had gone to the room on the roof of their house for the purpose of sleeping. Then Balvir Singh came downstairs hurriedly and disclosed that Gurjant Singh s/o Kirpal Singh, who was serving in Indian Army and had come on leave, was using abusive language for him, claiming him of watching their ladies and he was asking his entire family to come out so as to teach a lesson to Balvir Singh. Hearing that, complainant Davinder Singh @ Deepa alongwith his brother Satwinder Singh, wife Parminder Kaur , father Balvir Singh came out of their house and they saw that Gurjant Singh armed with a double barrel gun, Amandeep Singh armed with a gandas, Kirpal Singh armed with a gandas, Jaila armed with a wooden stick, Gurjit Kaur @ Kammi wife of Amandeep Singh empty handed, came out of their house, raising lalkaras and they attacked complainant Davinder Singh @ Deepa and his other family members

with their respective weapons. Gurjant Singh fired a shot towards the complainant and one pallet hit the complainant beneath his left ear, as such he became unconscious. When he regained consciousness, he found that his wife, besides brother Satwinder Singh and Balwinder Singh and father Balvir Singh had also suffered injuries and during that scuffle one fire shot by Gurjant Singh had hit him, as a result of which he had died later on.

Injured were removed to Civil Hospital, Khanna, whereas Balvir Singh was referred to Rajindra Hospital, Patiala and the complainant was referred to PGI, Chandigarh.

After registration of the counter version accused petitioner was arrested in this case on 30.8.2017. He had moved an application for regular bail in the Court of Sessions, but the same was declined by Additional Sessions Judge, Ludhiana vide order dated 20.3.2018, as such he has approached this Court for grant of similar relief, which is being opposed by the State Counsel.

The request is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Though it is unfortunate that the petitioner had lost his real brother Gurjant Singh in the incident regarding which an FIR was got registered by him but then it has to be kept in view that accused party had also suffered injuries and cross version had been recorded at the instance of Davinder Singh @ Deepa, for offences under Sections 307, 323, 324, 506, 148, 149 IPC and Sections 25/27 of the

Arms Act. The role attributed to the petitioner in the cross version is not such that any case is made out for grant of regular bail to him. As per the custody certificate, he is shown to have undergone 6 months and 25 days of imprisonment. The trial is going on and only on conclusion of trial, it can be found that as to which of the party was aggressor and as to whether the petitioner had any right of self-defence.

It may be noticed that while dismissing the petition filed by father and co-accused of the present petitioner, namely Kirpal Singh, the trial Court has been directed to conclude the trial expeditiously by giving short adjournments, preferably within a period of six months from the date of receipt of a certified copy of that order in the said Court, in that way the trial is likely to be concluded in near future.

As the things stand, the way he had participated in the cross version and nature of injuries on the person of injured and further observing that there are reasonable chances of his absconding and trying to tamper with the prosecution evidence, if granted bail., the petition is doomed for failure and is dismissed accordingly.

**29.5.2018**  
Brij

**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned                      Yes / No

Whether reportable                                      Yes / No