

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

**CRM-M No. 18521 of 2018
DATE OF DECISION :- May 30, 2018**

Amur Peter @ Amar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

This petition for regular bail has been filed by petitioner Amur Peter @ Amar, an accused in F.I.R. No. 203 dated 15.11.2015 for offences under Sections 323,324,307,148,149 IPC registered with Police Station Mehatpur, District Jalandhar.

Briefly stated the facts of the case as per prosecution story are that on 15.11.2015 complainant Mangat Ram @ Manga son of Ram Lubhaiya resident of Muhalla Matuaa, Mehatpur along with Balwinder Singh @ Balli son of Makhan Singh had gone to Police Station Mehatpur at about 1.00 P.M.. They had parked the motor cycle belonging to Balwinder Singh out side the Veterinary Hospital of village Parjian Kalan. In the meanwhile, Mandedep Singh @ Deepu armed with a datar, Gurpreet Singh @ Kaka, Rai, Sandeep @ Sita @ Sop armed with a datar, Amur Peter@

Amar (present petitioner) along with many other persons came there on motorcycles and started quarreling with them. According to complainant he started running away from the spot then Mandeep Singh @ Deepu gave 3-4 datar blows to Balwinder Singh @ Balli on head. Gurpreet Singh @ Kaka having a datar, Rami, Sandeep @ Sita and Amur Peter @ Amar (present petitioner) all having kirpans attacked Balwinder @ Balli hitting him on right arm, right leg, little finger of right hand and right foot. After suffering injuries, Balwinder Singh @ Balli fell down and became unconscious. Blood was oozing out from his injuries. Thereafter all the assailants ran away from the spot along with their respective weapons raising lalkaras. The injured was taken to Satyam Hospital, Jalandhar by the complainant and Simarjit Singh @ Lali to Mehatpur where he was treated. The motive behind the incident was that a dispute had taken place between Balwinder Singh @ Balli on one side and Deepu on the other side earlier.

On the basis of statement of complainant Mangat Ram @ Manga, formal F.I.R. was recorded. After registration of F.I.R. the matter was investigated. Only Mandeep Kumar @ Deepu could be arrested whereas remaining accused Gurpreet Singh, Rammi, Sandeep and Amar Peter could not be arrested and they were declared proclaimed offender.

Petitioner was declared proclaimed offender vide order dated 2.3.2016. He was arrested in this case on 3.2.2018. Now he is in custody. Supplementary challan has been filed against him which is going on. Inasmuch as 5 Pws are said to have been examined.

Petitioner had moved an application for regular bail in the Court below but was unsuccessful as such he has approached this Court

craving for grant of similar relief.

I have heard learned counsel for the parties besides going the record.

The accused is specifically named in the F.I.R.. He, while armed with a Kirpan along with his co-accused had allegedly indulged in a merciless assault causing multiple injuries to Balwinder Singh @ Balli with dangerous weapon for which they have been booked of offence under Section 307 IPC besides other offences. The accused along with three of his co-accused had been on run after the incident and they were declared proclaimed offender. He is said to have been arrested on 3.2.2018 and presently lodged in central Jail, Jalandhar.

As per custody certificate placed on record by the State counsel he is involved in three more criminal cases. That means he has got a criminal past.

Though as stated by learned counsel for the petitioner, the complainant had turned hostile during the trial and co-accused of the petitioner Manpreet Singh had been acquitted by the trial Court vide judgment dated 24.10.2017, copy of which has been placed on record. But these facts do not help the petitioner in getting regular bail. The very fact that he was on run after the incident and could be arrested after more than two years of the incident, when he had been declared a proclaimed offender clearly shows that he cannot be trusted to appear in the Court on each and every date of hearing, if granted regular bail. Further more his involvement in three other criminal cases goes to show that he is a habitual criminal and there is every possibility of his absconding and tampering with the

prosecution evidence, if granted bail. It may be mentioned here that if complainant has turned hostile it does not mean that the petitioner would ultimately earn acquittal. The trial Court is to take into consideration the entire evidence adduced by the prosecution. While coming to the conclusion as to whether guilt of the accused stands established or not, the trial against the petitioner is going on which is likely to be concluded in near future, therefore, no case for grant of regular bail to the petitioner is made out.

The petition stands dismissed.

(H.S. MADAAN)
JUDGE

May 30, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No