

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22165-2018 (O&M)

Date of decision: 27.02.2019

Swaran Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raghav Gulati, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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

ARVIND SINGH SANGWAN, J. (Oral)

This is 2nd petition for grant of regular bail in FIR No.76 dated 09.03.2015 under Sections 302, 323, 34, 307 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, got registered by Sukhjit Singh, stating that he was sitting at his shop and one Barinder Singh @ Kala was standing near the shop of Harwinder Singh. In the meantime, Swaran Singh, Sonu and Kaka came there and had an altercation with Barinder Singh @ Kala. On hearing the noise, he went to the spot and his brother Amandeep Singh @ Bittu also came there. When his brother Amandeep Singh @ Bittu asked Swaran Singh (petitioner)

when he is abusing Barinder Singh @ Kala, then Swaran Singh, with an intention to kill him, fired a shot with a revolver and when his brother struck his hand against the barrel of the revolver, the fired shot crossed above his head. The petitioner fired a second shot, which hit Amandeep Singh @ Bittu on the right side of his chest and he fell down. Thereafter, petitioner fired two more shots, out of which one hit on the waist of Harmandeep Singh and the petitioner along with his son Sonu and one Kaka raised lalkara that they have taught a lesson for raising dispute with us and thereafter, gave beatings to the complainant and Barinder Singh @ Kala. In this incident, his brother Amandeep Singh @ Bittu died at the spot due to firearm injury caused by the petitioner. The motive was also assigned in the FIR that few days ago, there was a dispute between the petitioner and deceased Amandeep Singh @ Bittu and due to this grudge, the petitioner has killed his brother Amandeep Singh @ Bittu.

Learned counsel for the petitioner further submits that the petitioner is not maintaining good health and on an earlier occasion, he was granted interim bail and he had surrendered back after availing the same. It is further submitted that the petitioner is undergoing treatment for his heart ailment from PGIMER, Chandigarh and still needs medical attention. In support of his arguments, learned counsel has relied upon certain previous OPD cards and reports of the petitioner.

In reply, learned State counsel, on instructions from ASI Gurmeet Singh, submits that first bail application filed by the petitioner was dismissed as withdrawn and this is second petition for grant of regular bail. It

is further submitted that the case is at the stage of recording the defence evidence and arguments and since the prosecution witnesses, including the complainant and eye-witnesses, have duly supported the prosecution version, there is an apprehension that the petitioner may abscond from the Court proceedings, as the entire evidence is proving his guilt and he is the main accused, who has caused firearm injury, resulting into death of Amandeep Singh @ Bittu.

Learned counsel for the complainant has also argued on the same lines and has opposed the prayer for bail on the ground that the petitioner is the main accused and after recording the statement of accused under Section 313 Cr.P.C., the trial is likely to be concluded very soon.

After hearing learned counsel for the parties and going through the contents of the FIR, according to which, the petitioner is the main accused, who has caused the murder of Amandeep Singh @ Bittu, by using firearm and also in view of the fact that all the prosecution witnesses have duly supported the prosecution version, I do not deem it appropriate to grant regular bail to the petitioner at a stage, when the trial is likely to be concluded, as the case is now fixed for defence evidence and arguments.

In view of the above, present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

27.02.2019
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No