

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

CRM M-20012 of 2020 (O&M)

Date of Decision: November 04, 2020

Amritpal Singh		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Amritpal Singh who is in custody has come in this first regular bail application under Section 439 Cr.P.C. moved in FIR No. 86 dated 19.11.2019 under Sections 302, 506, 148, 149 IPC and Sections 25/27/54 of Arms Act, 1959, Police Station Kotli Surat Malhi, District Gurdaspur.

The allegations of the complainant Sandeep Singh in brief are that on night of 18th of November 2018, his father Dalbir Singh (deceased) and Chacha Lakhwinder Singh alongwith complainant were having stroll outside their home and while his father got busy talking over a mobile phone and was at some distance from the complainant, when the latter saw accused Balwinder Singh armed with **dattar**, his sons Mandeep Singh and Major Singh armed with pistols accompanied by 4/5 unidentified persons having firearms and other dangerous weapons were also present. The complainant alleged that accused Balwinder Singh raised a **lalkara** to teach the complainant side lesson for destroying watt (partition between their land) and should not escape. The accused Balwinder Singh attacked with a **dattar** hitting Dalbir Singh on left hand followed by firing from firearms by accused Major Singh and Mandeep Singh followed by a blow of **dattar** by Balwinder Singh. At this juncture, the unidentified persons also assaulted the complainant side resulting in death of Dalbir Singh. The motive behind this occurrence is political rivalry between the parties and earlier threats meted out to the deceased by the accused side.

The allegations against the petitioner are that he was instrumental in hatching a criminal conspiracy against the

complainant side leading to death of the deceased.

Shri Gurmohan Singh Bedi *inter alia* contends that co-accused of the petitioner have been allowed regular bail by the Court of learned Additional Sessions Judge, Gurdaspur and that case of the petitioner is on better footings than of the co-accused and that the petitioner was away to Nanded Sahib, Maharashtra when this occurrence has taken place. It is further submitted that petitioner is behind the bars since 25.11.2019 and on account of Covid-19 situation, the investigations and so the trial would not be concluded in the near future.

Mr. J.S. Ghumman, DAG, Punjab, the learned State counsel has sought to highlight that the lower Court for a motivated purpose has allowed the bail to co-accused Lakhwinder Singh @ Lakha and Lovepreet Singh @ Love and declined this relief to the petitioner is illustrative of the influence that the accused side wield in the system. It was the extra judicial confession of accused before one Prem Singh wherein he had accepted the factum of this murder at their behest. It is contended that it is a clear cut case of vengeance and revenge by the accused side who had come armed and upon assaulting the deceased with firearms and other dangerous weapons has caused his death and if allowed bail, there is every likelihood, the petitioner might influence the trial.

Going through the submissions, no doubt the name of the accused petitioner Amrit Pal @ Amrit does not figure in the FIR, however, a close look at the evidence collected during the investigations, it has very well come on the record as to the extra judicial confession of this accused petitioner being instrumental in the murder of the deceased, thus, the plea of *alibi* so sought to be raised by the petitioner is subject to scrutiny at the time of the trial. There are serious allegations against the petitioner and who as per the witness Prem Singh was carrying the **dattar** the alleged weapon, which was used in the commission of the offence and, therefore, the apprehension of the State if allowed the bail the petitioner might influence the trial is not unfounded.

In view of the same, this Court does not feel inclined to allow the bail application, which stands dismissed.

Before parting it is strange to notice the manner in which the Court of learned Additional Sessions Judge Gurdaspur has allowed the bail to Lakhwinder Singh @ Lakha and Lovepreet @ Love and has rather vide order dated 22.06.2020 dismissed the bail application of the petitioner. In the case of accused Lovepreet Singh @ Love who was attributed injuries, the lower Court has camouflaged the fact by stating **“medical corroboration needs scrutiny”** and in case

of Lakhwinder Singh @ Lakha has observed that “the fact whether this petitioner had conspired to eliminate the deceased is yet to established”. Thus, it is illustrative that all is not well with these orders. The matter be brought to the notice of the Administrative Judge, Gurdaspur to look into the matter.

November 04, 2020

amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No