

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

CRM-M-29988-2021 (O&M)

Date of decision: 22.11.2021

Amritpal Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr. Umesh Aggarwal, Advocate for the petitioners.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. A.P. Batra, Advocate for the complainant.

H.S. MADAAN, J.

This third petition for regular bail has been filed by petitioners Amritpal Singh and Harnek Singh, both of them being accused in FIR No.129 dated 23.11.2019, for offences under Sections 302, 34 IPC and Section 25 of the Arms Act, registered with Police Station Khilchian, District Amritsar Rural.

Briefly stated facts of the case as per prosecution version are that, criminal machinery in this case was set into motion by complainant Narinder Singh son of Piara Singh, resident of Chajjalwadi, aged about 60 years, who in the statement got recorded by him with the police stated that his youngest son Parminder Singh @ Raju was a taxi driver, driving their own Innova car bearing No.PB-13-AW-6166 in that regard; on 23.11.2019 at about 9.00 AM, Parminder Singh @ Raju went to Taxi

Stand, Tangra from where he took passengers to village Jabbowal, however, he did not return home on the same day till 8.45 PM, then complainant along with Captain Singh and Navtej Singh were proceeding to Taxi Stand, Tangra in search of Parminder Singh @ Raju and when they reached near ground of Girls school, then they observed that Innova car of complainant was standing in the ground of school on left hand side; all three of them went near the car and saw that dead body of Parminder Singh @ Raju was lying on the ground on rear of the car; his throat had been slit with a sharp edged weapon; after leaving Navtej Singh near dead body of Parminder Singh @ Raju, the complainant along with Captain Singh was going towards the police station; on the way, he came across police party and got his statement recorded; on the basis of such statement, formal FIR was recorded; the investigation in the case started, during the course of which on 24.11.2019, PW Gagandeep Singh son of Mangal Singh, resident of Rayya informed Inspector Paramjit Singh, SHO, Police Station Khilchian who was investigating the case that on 22.11.2019, he had gone to house of Parminder Singh @ Raju to meet him from where he came to know that Parminder Singh @ Raju had gone to Bus Stand, Tangra in his Innova car; while he was going towards Bus Stand, Tangra, then he found Parminder Singh @ Raju standing in ground of Girls school at Village Chajjalwadi along with his Innova car; he went nearby and saw that Harnek Singh son of Lakhbir Singh was sitting on the rear seat of Innova car, whereas, Amritpal Singh son of Gultar Singh was sitting on the front seat of the car; according to PW Gagandeep

Singh, he had a talk with Parminder Singh @ Raju and then he went away and on the next day, he came to know that Parminder Singh @ Raju had been murdered; PW Gagandeep Singh stated before Inspector Paramjit Singh that he was of the firm belief that Amritpal Singh son of Gultar Singh and Harnek Singh son of Lakhbir Singh, residents of Chajjalwadi had committed the murder; as such, on the basis of that statement, Amritpal Singh and Harnek Singh were nominated; they were arrested in this case on 25.11.2019; both of them were interrogated; during the course of his interrogation, Amritpal Singh suffered a confessional statement that he had hidden a knife used in the incident and he could get the same recovered; subsequently in pursuance of that statement, he got the knife recovered, which was taken into possession by the police; on 26.11.2019, Harnek Singh had suffered a confessional statement before the police that he had hidden clothes i.e. pant and T-shirt worn by him at the time of murder, since they had got blood stained and he could get those clothes recovery; subsequently in pursuance of that statement, he got those clothes recovered from the disclosed place, which were taken into possession; call details of mobile numbers of deceased and both the accused were also procured; after completion of investigation, the challan has been filed against the accused.

Petitioner/accused had approached the Court of Sessions at Amritsar seeking regular bail but were unsuccessful. They had come to this Court on an earlier occasion by way of filing CRM-M-14518-2020, which was accepted by a Coordinate Bench, vide order dated 15.09.2020,

copy Annexure P-1. That order was challenged in the Apex Court by the complainant and it was accordingly set aside. The bail granted to the accused was recalled and accused were ordered to surrender within a period of one week, however, it was observed that they could apply for bail after 06 months after the public witnesses were examined and thereafter, the application be considered in accordance with law. Now the accused have approached this Court seeking bail, which is being opposed by the State counsel and counsel for the complainant.

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

Here, the allegations against the petitioners are very grave and serious of committing murder of a young person in a very cruel manner. As per the prosecution story, Amritpal Singh had got recovered kirch (knife) used in the incident, whereas Harnek Singh had got recovered his blood stained pant and T-shirt, which he was wearing at the time of the incident. These facts along with statement of Gagandeep with regard to deceased having been last seen in the company of both the accused before his murder prima facie go to show the involvement of accused in the incident.

Although, learned counsel for the petitioner has referred to the earlier order granting bail to the petitioners in support of his arguments praying for bail but that order has since been set aside by the Apex Court and does not help the petitioners in any manner in strengthening their case for grant of bail. Any observations made therein

were for the limited purpose of decision of the bail application at that point of time. The trial against the petitioners is going on, which is likely to be completed in near future. Their guilt shall be determined on conclusion of the trial. The apprehension expressed by the State counsel that there is likelihood of their absconding and tampering with the prosecution evidence if granted the concession of bail can also be not brushed aside lightly. There is no merit in the petition. The same stands dismissed accordingly.

However, the trial Court is directed to make earnest efforts for conclusion of the trial expeditiously.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

22.11.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No