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

(Through video-conferencing)

**CRM-M No.30700 of 2021
Date of Decision: 10.08.2021**

AMANCHAIN SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Sartaj Singh Gill, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.14 dated 14.01.2021, registered under Sections 302, 148, 149 IPC and Section 25 & 27 of the Arms Act at Police Station Division B, District Police Commissionerate, Amritsar.

The FIR was registered by Bhupinder Singh with the allegations that his son namely Jagdish Singh @ Disha was aspirant of contesting election from a political party. Balwinder Singh @ Billa and his sons Mandeep Brar, Raja Brar and Sabu

Brar did not want him to contest that election of municipal councillor. They threatened son of the complainant by visiting his house. Son of the complainant despite the threat given by the aforesaid persons, kept on preparing for the election. On 13.01.2021 i.e. on the day of Lohri festival, the complainant and his son were present at the roof of their house. Son of the complainant was flying kites. Balwinder Singh @ Billa, his sons Sukhchain Singh @ Raja, Mandeep Singh @ Laada and Amanchain Singh @ Sabu (petitioner) along with 12/13 unidentified persons were consuming liquor at the roof of house of Balwinder Singh @ Billa. They were shouting at the son of the complainant by using bad words. Complainant along with his son went to their house to lodge complaint. On this, Balwinder Singh @ Billa, his sons and others started throwing brick bats at the complainant and his son. Son of the complainant took out his revolver in his defence, but did not fire. Balwinder Singh @ Billa raised *lalkara*. Sukhchain Singh @ Raja fired at the son of complainant and the bullet hit in his chest. Son of the complainant fell down. Thereafter Mandeep Singh @ Laada took a pistol from Sukhchain Singh @ Raja and fired upon son of the complainant. Thereafter the assailants ran away from the spot.

In the supplementary statement of the complainant

name of Dilbag Singh @ Baga was also added as co-accused. He was also allegedly shown present at the roof of house of Balwinder Singh and was involved in throwing brick bats.

Learned counsel for the petitioner submits that there is no specific role attributed to the petitioner except to allege that he was also involved in brick batting. The alleged firing was done by Sukhchain Singh @ Raja and thereafter by Mandeep Singh after taking the pistol from Sukhchain Singh @ Raja. As per post mortem report of Jagdish Singh @ Disha, cause of death was rupture of small intestine due to firearm injury. Only one injury was found with entry and exit wound.

Learned counsel further submits that co-accused Dilbag Singh @ Baga and Balwinder Singh @ Billa have been granted regular bail by this Court vide common order dated 22.07.2021 passed in CRM-M Nos.21992 of 2021 and 26869 of 2021 respectively. The role of the petitioner is at par with the co-accused Dilbag Singh @ Baga.

Factual position of the case has been admitted by learned State counsel (on instructions from ASI Jasbir Singh) duly assisted by learned counsel for the complainant, however he opposed the bail on the ground that the revolver has been recovered from the petitioner. However, there is no allegation that the petitioner had used that revolver in any manner.

Learned State counsel further submitted that petitioner being member of unlawful assembly is also liable for commission of offence under Section 302 IPC. Petitioner is in custody since March, 2021. Challan has been presented on 13.04.2021, but charges have not been framed so far.

On the basis of aforesaid facts and circumstances, I deem it appropriate to treat the case of the petitioner at par with co-accused Dilbag Singh @ Baga, who has been granted regular bail by this Court.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate. The trial Court shall ensure that the petitioner surrender his passport, if any, before availing concession of regular bail.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

August 10, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No