

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

**CRM-7208-2021 in/and
CRM-M-41589-2020**

Date of Decision: 10.03.2021

Amar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate, for the applicant/petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Nirmal Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-7208-2021

In view of the reasons mentioned in the application, the same is allowed and the supplementary statement of the complainant is taken on record as Annexure P-7 subject to all just exceptions.

CRM-M-41589-2020

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.174 dated 20.07.2020 at Police Station Sadar Patti, District Tarn Taran, under Sections 302/148/149 IPC and Sections 25/27 of the Arms Act.
2. The FIR in question was lodged at the instance of Parkash Singh, wherein it has been alleged that he alongwith his son Mandeep

Singh was cultivating land situated in villate Gulalipur, Tehsil Patti, District Tarn Taran, which they had taken on lease. In the month of September, 2019, they had a fight with Inderjit Singh son of Sukhwinder Singh for teasing his wife and in the said fight Sukhwinder Singh lost his life and one FIR was registered against several members of the family of the complainant Parkash Singh in which three of the complainant's brothers were still in jail. It is alleged that the complainant's son Mandeep Singh was released on bail. On 19.07.2020, his son Mandeep Singh received a call from some unidentified person asking him to come to bus-stand Harike for the purpose of compromise. Accordingly, his son left for bus-stand on his motor-cycle. The complainant along with his relative also went along with him on another motor-cycle. At about 7.00 PM, when they reached near petrol pump of village Baggupur, one white coloured Swift car in which there were 5 occupants and a Scorpio vehicle carrying another 5 persons came from behind. The Swift car, which was being driven by Harpreet Singh, struck against the motor-cycle of complainant's son Mandeep Singh, and resultantly, he fell on the road. In the meantime, Harpreet Singh empty handed, Gurcharan Singh armed with 12 bore gun, Bhupinder Singh armed with *Kirpan*, Buta Singh armed with *Datar*, alighted from the said car. Inderjit Singh armed with pistol, Jugraj Singh armed with Pistol, Gora Singh and Gurmit Singh both empty handed alighted from Scorpio vehicle. Bhupinder Singh and Buta Singh raised a *lalkara* exhorting their companions to kill Mandeep Singh by firing at him and that he be not spared. Inderjit

Singh and Jugraj Singh fired from their pistols hitting Mandeep Singh on his head and who started bleeding profusely. When the complainant and his relative Manjit Singh raised alarm, the accused ran away from the spot alongwith their weapons. Mandeep Singh died on account of gun-shot injuries. It is alleged that the motive for killing his son Mandeep Singh is that Inderjit Singh's father Sukhwinder Singh had been killed earlier and the accused persons in the instant case wanted to take revenge for the said murder.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused on the basis of a supplementary statement of the complainant (Annexure P-7) recorded after about 3 months of the FIR, wherein it is alleged that Amar Singh (petitioner), who is brother of Sukhwinder Singh, who was earlier murdered, instigated Inderjit Singh, Jugraj Singh and Gora for not having taken any action and to take revenge of murder of Sukhwinder Singh and stated that had he been residing in Village Shah Abu Bakar, then he would have killed 2 persons in lieu of loss of one person. The complainant in the said supplementary statement has further stated that upon the aforesaid instigation of Amar Singh, his nephew Inderjit Singh and others had murdered Mandeep Singh and that later when the police was looking for the accused, Amar Singh gave shelter to the accused in his house at Moga and that Amar Singh had connived for murder of his son Mandeep Singh.

4. Learned counsel while referring to the aforesaid supplementary statement has submitted that even if the contents of the said supplementary statement are taken to be correct, still at best he can be said to have instigated the other co-accused and given shelter to the accused when the police was after the co-accused. It has been submitted that no authenticity can be attached to the aforesaid supplementary statement recorded after 3 months of the occurrence when in fact the complainant very well knew about the relationship of the petitioner and about the murder of Sukhwinder Singh and regarding the enmity between both the families. It has been submitted that the petitioner in any case has been behind bars since the last about 4 months and that challan stands already presented.
5. Opposing the petition, learned State counsel has submitted that since it is evident from the supplementary statement that it is the petitioner, who had instigated other co-accused, who committed the murder of Mandeep Singh so as to take revenge of murder of petitioner's brother Sukhwinder Singh, his complicity in the entire occurrence is clearly evident.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner himself is not alleged to have participated directly in the murder of Mandeep Singh and the role attributed to him even as per the supplementary statement is that of instigation and of harbouring the co-accused. The veracity of such statement made after about 3 months of the occurrence, when the complainant was very well aware about the enmity between the two families, would be debatable. In any case, since the petitioner

has been behind bars since the last about 4 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**