

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

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CRM-M No. 16093 of 2021 (O & M)

Date of decision : 23.5.2022

Amandeep Singh @ Amandeep Singh Cheema

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Amit Jhanji, Senior Advocate with
Mr. H.S. Sidhu, Advocate, for the petitioner

Mr. Sarabjit Singh Cheema, AAG, Punjab

Mr. Bharat Sharma, Advocate and
Mr. Sandeep Majithia, Advocate, for the complainant

VIKAS BAHL, J. (Oral)

CRM-14981 of 2022:

This is an application for placing on record Annexures P-8 and P-9; and for exemption from filing the certified copies of the same.

For the reasons mentioned in the application, the same is allowed. Annexures P-8 and P-9 are taken on record and exemption is granted from filing the certified copies of the same.

Main Case:

This first application has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 159 dated 19.12.2020, under Sections 302 and 34 of the Indian Penal Code, 1860 and Section 25/27 of Arms Act, 1959, registered at Police Station Sadar Jagraon, District

Ludhiana.

Learned Senior counsel for the petitioner has submitted that in the present case, the FIR was registered on the statement of Satpal Singh on 19.12.2020, on the allegation that his brother Randhir Singh (deceased) was doing agricultural work and sale/purchase of animals and the said Randhir Singh had gone alongwith Jagtar Singh and another unknown person and thereafter, a migrant labourer, working with the family of the complainant, namely Kishan son of Ram Chander, had informed them by going to their house that someone had committed the murder of Randhir Singh by shooting him, whereupon, the complainant, along with his other brother Balraj Singh, had gone to the fields and thereafter, taken Randhir Singh in their car, who was in an unconscious condition, to Civil Hospital, Jagraon. Learned Senior Counsel for the petitioner has submitted that the petitioner has not been named in the FIR and was subsequently implicated. It is submitted that a perusal of the FIR would show that the complainant was not an eye witness of the alleged occurrence and he had been informed about the death of Randhir Singh by the said Kishan. It is further submitted that the said Kishan has been examined as PW-2 and in his examination-in-chief, he had stated that, in all, 4 persons were sitting together including the deceased. He had stated that he had seen the three persons with whom the deceased was seen sitting just before he was shot and that the present petitioner was not one of those persons who was involved in the said incident. It is submitted that the star witness in the present case, who is Kishan, has not supported the prosecution version qua the present petitioner. It is further submitted that the petitioner has been in custody since 26.12.2020 and there are 38 witnesses, out of which only 3 witnesses have been partially examined, and the prosecution has moved an application under

Section 319 Cr.P.C. and, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. Learned Senior Counsel has referred to the order dated 6.5.2022, passed by the Additional Sessions Judge, Ludhiana, which has taken note of the fact that accused Jagtar Singh has not been summoned and an order has been passed for summoning him for 24.5.2022 and the supplementary challan of Neeraj accused has been ordered to be merged with the present case.

Learned State counsel and the counsel for the complainant, on the other hand, have opposed the present application for regular bail and have submitted that during the course of investigation, the Investigating Officer has collected the footage of date 18.12.2020, recorded in the CCTV Camera which is installed outside the house of Hardeep Singh son of Dhira and that of Gurmeet Singh son of Bakhataur Singh r/o Village Kothe Pone; and in the relevant footage, the present petitioner, along with the deceased and co-accused Neeraj Rana, was seen near a car in the photograph Annexure R-1 and also seen walking in the photograph Annexure R-2. It is further submitted that the deceased has suffered one gun shot injury and the present case is a case of contract killing and on the basis of the confessional statement made by the petitioner, about Rs. One lakh has been recovered out of the amount of Rs.10 lakhs, stated to have been paid to the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that the petitioner is not named in the FIR. The complainant has stated that it was Jagtar Singh, Randhir Singh (deceased) and another unknown person, who were last seen together and

thereafter, the migrant labour working for the complainant family; namely; Kishan had informed them that Randhir Singh has been murdered. The said Kishan is the star witness of the prosecution, who has been examined on 10.2.2022 and the relevant portion of his chief is reproduced as hereunder :

“Next day on 18 of same month and year, I went to the house of Randhir Singh at Jagraon. We both brought fodder for the cattle. Then we both returned back to the fields. One white car was already there whose roof was black. Three persons were there. One of them was secretary Jagtar Singh and two persons I do not know by name. Then all the four persons (three persons who came on car and another my sardar Randhir Singh) sat together. Then I went back to my field. Then all these four persons came back to the field motor in the evening. They were enjoying their drinks and I went inside the motor. I heard a noise of firearm shot. I immediately rushed towards the scene and found Randhir Singh lying injured in pool of blood whereas other three persons were running. I immediately rushed to the house of Sardar Randhir Singh and informed about the incidence then brother of Randhir Singh came and took away Randhir Singh to Hospital. I cannot identify any person in the Court being one of those three persons.

Court questions

Que : Whether the person standing in the Court as accused is the person involved in the incident or was present at the spot?

Ans: I have seen the person in the Court but he is not the person involved in the incidence. The two persons accompanying the secretary were not having any beard.

Clarification by the Court: *The person shown to him is Amandeep Singh and at present he is keeping turban and beard as per sikh traditions.*

Further chief examination deferred.

Deferred at the request of learned Additional PP for the State as he wants to move an application under Section 319 Cr.P.C.

RO & AC

*(Shatin Goyal)
Additional Sessions Judge, Ludhiana
Dated : 10.2.2022”*

A perusal of the above evidence would show that the said Kishan

had apparently seen the four persons including the deceased, sitting together and enjoying their drinks. When the said Kishan went inside the motor room, he heard the noise of a fire arm shot and he has stated that he had then immediately rushed towards the scene and had found the deceased lying injured in a pool of blood, whereas the other three persons, who were sitting with the deceased were running from the spot and it is thereafter, that upon being informed by the said Kishan, that the complainant had reached the spot. It is the said Kishan, who has specifically stated that the person seen by him in the Court i.e. the petitioner was not the person involved in the said incident and a clarification has also been made therein by the Court to the effect that the person shown to the witness was petitioner Amandeep Singh. On the basis of the said statement, an application under Section 319 Cr.P.C. has been filed by the State. The petitioner has been in custody since 26.12.2020 and was released on interim bail for one month to take care of his ailing mother and has not misused the said concession and has surrendered on time. The question as to whether the petitioner was involved in the said incident or not, would, thus, be a matter of debate and would be finally adjudicated at the time of trial. There are 38 witnesses and only 3 witness have been partially examined and thus, the trial is likely to take time, more so, in view of the fact that Jagtar Singh had been summoned for 24.5.2022, as apparent from the order dated 6.5.2022 passed by the Additional Sessions Judge, Ludhiana. The said order is reproduced hereunder :

“Presence of accused and counsel(s) is recorded as mentioned above. Accused Jagtar Singh has not been summoned. Be summoned for 24.5.2022. Further parallel file of co-accused Neeraj is also pending. Qua him supplementary challan was presented. Supplementary challan of accused Neeraj is ordered to be merged with the present case since

he has not been produced by the jail authorities. His production warrants be issued for Ambala jail for 24.5.2022.

Dated of order : 6.5.2022

*(Shatin Goyal)
Additional Sessions Judge, Ludhiana”*

The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**(VIKAS BAHL)
JUDGE**

23.5.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No