

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

CRM-M-6395-2023 (O&M)

Date of decision: 27.02.2023

Amrik Singh @ Manga @ Nona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Dhawan, Advocate and
Mr. Harish Chander Tewari, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 175 dated 15.06.2006, registered under Sections 302, 307, 436 of the IPC and Sections 3, 4 and 5 of the Explosion Act, 1884 at Police Station Division No. 6, District Jalandhar.

The first petition, bearing CRM-M-35173-2022, was disposed of 21.04.2022 with a direction to the trial Court to conclude the trial expeditiously, preferably within a period of nine months from the date of passing the order.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner is in long judicial custody of about 03 years and 11 months and out of total 35 prosecution witnesses, only 07 witnesses have been examined so far and the petitioner

has come to know that one of the co-accused, namely Satnam Singh, on whose disclosure the petitioner was nominated in the present FIR, already stands acquitted by the trial Court, after facing a full length trial, vide judgment dated 06.03.2009.

Brief facts of the case are that the present FIR was registered on the statement of one Chamkar Singh, who stated that on 28.04.2006, he has taken a bus from Nangal Depot from the Hoshiarpur counter at Jalandhar in order to go to Adampur. It is further stated that there were 35/40 passengers including ladies and children. Suddenly, the bus caught fire and an explosion occurred and the passengers received burn injuries. It is further stated that later on, one Sukhvinder Rani died and Section 302 IPC was added.

Learned counsel for the petitioner further submits that at the relevant time, the petitioner was not in India and was in Uganda and during investigation, he was declared a proclaimed offender.

Reply, filed by way of the affidavit of the Inspector/SHO, Police Station concerned, is taken on record. In reply, it is stated that during investigation of the FIR, co-accused Satnam Singh @ Satta (who stands acquitted by the trial Court) disclosed the name of the petitioner with the allegations that he had sent him to Uganda on a promise to send him to USA. It is further stated that the petitioner was known to one Balwinder Singh @ Possi @ Jhaj, who is residing in USA as well as one Ranji8t Singh @ Neeta, who is presently residing in Pakistan. They have links with the militants and used to arrange young persons for training of weapons.

Learned counsel for the petitioner further submits that the Investigating Officer ADCP Gurmeet Singh, who appeared as PW-6, has

submitted that in his cross-examination that he did not collect any evidence regarding disclosure of co-accused Satnam Singh or any evidence that Satnam Singh had any link with the petitioner. He has further stated that he did not collect any proof that the petitioner brought co-accused Satnam Singh to Uganda or was involved in any terrorist activities.

Learned State counsel, on instructions from ASI Sushil Kumar and on the basis of the reply and custody certificate filed today in Court, could not dispute that the petitioner is in judicial custody for the last 03 years, 11 months and 01 days and the case is still at the stage of recording the evidence of prosecution. It is submitted that in a similar case i.e. FIR No. 173 dated 15.06.2006, registered under Sections 307 IPC and Sections 3, 4 and 5 of the Explosive Substance Act, the petitioner has already been granted the concession of regular bail by this Court. The judgment dated 06.03.2009, passed by the trial Court acquitting co-accused Satnam Singh, is also attached as Annexure R-1 with the reply.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.02.2023

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No