

CRM-M-8168-2023

-1-

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8168-2023
Date of Decision: 06.07.2023

Amritpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. J.S.Guru, Assistant Advocate General, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present third petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.86 dated 19.11.2019 registered under Sections 302, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, at Police Station Kotli Surat Mallian, District Gurdaspur.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally false and fabricated. Even as per the story of the prosecution, the death had happened due to the gun shot injury caused by two accused, namely Major Singh and Mandeep Singh. The allegation against the petitioner is only qua causing *datar* injuries to the deceased on non-vital part of the body. The petitioner is not named in the

CRM-M-8168-2023

-2-

aforesaid FIR. The petitioner is in custody since 25.11.2019. However, only one witness has been examined so far. The petitioner is not required for any investigation or recovery purposes. There is no major case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the respondent-State, being instructed by ASI Rajwinder Singh, has submitted that the petitioner is involved in a heinous crime of causing death. The petitioner was participant in the incident in which the death of Dalbir Singh was caused. However, it is not disputed that the injury attributed to the petitioner is only on the non-vital part and the petitioner is in custody since 25.11.2019. It is also not disputed that there is no case against the petitioner except one jail offence and that only one witness has been examined so far.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

06.07.2023
adhikari

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