

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26826-2023 (O&M)
Date of decision: 28.07.2023

Amit Pal Singh @ Amit

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.24 dated 18.03.2020 under Sections 302, 307, 450, 427, 336, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Shri Hargobindpur, District Batala; earlier one was dismissed as withdrawn on 22.03.2022.

Learned counsel for the petitioner, at the very outset, submits that this second petition has been filed in view of changed circumstances and the fact that custody of the petitioner is about 03 years and 03 months.

Learned counsel has relied upon the order dated 02.05.2023 passed

in CRM-M-20359-2023, vide which co-accused Sarabjit Singh @ Saravjit Singh @ Avi @ Abhi has been granted the concession of regular bail, by passing the following order: -

“2. As per allegations recorded in the FIR, co-accused Lakha Singh accompanied by Amrit Pal Singh, Sahil and Malkeet Singh and other unidentified persons trespassed into the house of complainant-Amarjit Singh and they all started firing and some of the shots hit Jasbir Kaur mother of the complainant and even aunt of the complainant namely Narinder Kaur also sustained firearm injury. Later on, Jasbir Kaur died. The petitioner is stated to be named as accused on the basis of the disclosure statement made by one another co-accused and thereafter, the petitioner was arrested and during investigation, one firearm is stated to be recovered from his possession. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last 2 years and 11 months and is having no criminal history.

3. Counsel for the petitioner inter alia contends that the petitioner was falsely implicated in the present case and was arrested on 29.5.2020. He further submits that while appearing in the witness box, complainant- Amarjit Singh and injured eye witness Narinder Kaur have not supported the case of the prosecution qua the present petitioner and copies of their

depositions are Annexures P-3 and P-4. He further submits that in the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period and it will take considerable time for trial to conclude.

4. Present petition is resisted by the State counsel, who submits that Lakha Singh, Amritpal Singh, Sahil and Malkeet Singh along with other unidentified persons including the present petitioner trespassed into the house of complainant-Amarjit Singh and they caused fatal injury to Jasbir Kaur mother of the complainant and even Narinder Kaur aunt of the complainant also sustained firearm injury at the hands of the accused persons including the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 2 years and 11 months. State counsel has also not disputed the fact that while appearing in the witness box, complainant-Amarjit Singh and injured eye witness Narinder Kaur have not stated anything against the petitioner.

5. I have considered the submissions made by the counsel for the parties.

6. In view of above, as the material witnesses namely complainant Amarjit Singh and injured eye witness Narinder Kaur, have not supported the case of the prosecution against the present

petitioner and the fact that the petitioner is in custody for the last more than 2 years and 11 months and that conclusion of the trial will take considerable time to complete, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

Learned counsel has further referred to some other orders, vide which bail has been granted to co-accused Baljot Singh, Jastin Gill @ Jassa, Malkeet Singh and Karamjit Singh @ Karanjit Singh @ Karan. It is further submitted that in view of statements of two witnesses i.e. complainant Amarjit Singh and eyewitness Narinder Kaur, chances of conviction of the petitioner are very bleak.

Learned State counsel, assisted by ASI Paramjit Singh, has filed the custody certificate and affidavit of Inspector/SHO, Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur, in which upon verification of the facts, it is stated that Karamjit Singh @ Karan confessed that co-accused including the petitioner have fired upon the deceased person. It is further stated in para No.8 of the affidavit that the petitioner also made a confessional statement and got recovered a country-made 315 bore pistol from him in some other FIR, when he was in custody in the present FIR.

After hearing learned counsel for the parties, without commenting

anything on merits of the case and considering aforesaid facts and circumstances of the case and long custody of the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.07.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No