

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36717-2023  
DECIDED ON: 14.09.2023

AMRITPAL SINGH  
.....PETITIONER  
  
VERSUS  
  
STATE OF PUNJAB  
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.M. Gulati, Advocate and  
Ms. Divya Gulati, Advocate  
for the petitioner.  
  
Mr. Rajiv Verma, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in FIR No. 0068, dated 25.05.2021, under Sections 302, 342, 120-B, 148 and 149 of IPC, 1860, registered at Police Station Khilchian, District Amritsar.
2. Before adverting to the facts of the present case, it would be necessary to mention here that earlier two petitions bearing No.CRM-M-3805-2022 & CRM-M-32605-2023 were withdrawn vide orders dated 08.02.2023 & 18.07.2023 respectively (Annexure P-3 & P-4).
3. Learned counsel for the petitioner vehemently contends that no specific role or injury has been attributed to the petitioner, which may be termed as dangerous to life except one injury on the shoulder with datar and the said weapon has been recovered, wherein investigation is absolutely complete and trial is going on, wherein 8 prosecution witnesses stands examined out of total 28 prosecution

witnesses so far.

4. Mr. Gulati, further submits that the petitioner is a neighbour and friend of deceased Gurwinder Singh. It is also asserted that the cause of enmity qua the petitioner and other co-accused persons is that the son of maternal uncle Gurwinder Singh is alleged to be in illicit relationship with Daljit Kaur to which a compromise was also effected later on with her in laws and parents and just to please her husband and in laws, she called upon Gurwinder Singh to her house and caused murder of the deceased.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. A copy of the same has been furnished to the counsel for the petitioner. According to the custody certificate, the petitioner is behind the bars for the last 2 years, 2 months and 13 days.

6. Mr. Verma asserts that the petitioner has been specifically alleged the role of giving injury on shoulder with the sharp edged weapon, but could not controvert the fact that it was on extra judicial confession, the petitioner has been nominated as an accused in the instant FIR, wherein the role has been attributed to the main accused namely Daljit Kaur and her husband Lakhwinder Singh, who are in custody.

7. Considering the aforesaid facts and circumstances and after hearing the submissions of the counsel for respective parties, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would amount to infringement of his right to life and personal liberty, as enshrined under Article 21 of Constitution of India, as out of total 28 witnesses only 8 has been examined after framing of charges on 12.05.2022, which is suffice to the mind of this Court that trial is likely to take long time.

8. Further, a perusal of the custody certificate shows that the petitioner is

whatsoever, therefore, seems to be a person of clean antecedents and might have been roped because of the part of that group.

9. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. The present petition is allowed in the afore-said terms.

11. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.09.2023

Meenu

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |