

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-37591-2023

Date of decision: 03.08.2023

Amarjit Singh Samra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Satwant Mehta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.57 dated 15.09.2019 under Sections 302, 148 and 149 of the IPC read with Sections 25/27 of the Arms Act, 1959 registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand which finds due corroboration from the fact that during investigation the police had placed him in column No.2 as he was innocent. She has further submitted that the petitioner had now been summoned under Section 193 of the Cr.P.C. without any incriminating material coming to the fore against him. While drawing the attention of this Court to the allegations levelled in the FIR which was registered at the instance of Harmanjit Singh (cousin of deceased Amandeep Singh), it has been submitted that the crime in question had been given a colour of honour killing whereas a perusal of the FIR clearly revealed to the contrary since it was admitted by the complainant himself that after the marriage of deceased Amanpreet Kaur with his cousin deceased Amandeep

Singh, her parents had reconciled to their marriage. Learned counsel further submits that presence of the complainant at the time of the occurrence in question was highly doubtful as he had not received even a scratch at the hands of the accused party even though as per him, all the accused who were armed with lethal weapons had fired indiscriminately at both the deceased. A prayer has, therefore, been made that in the aforementioned facts and circumstances, moreso when the investigation is complete, no useful purpose would be served in keeping the petitioner behind bars as nothing is to be recovered from him.

3. I have heard learned counsel and perused the relevant material on record including the FIR in question.

4. As per the allegations levelled in the FIR, on the fateful day, when the complainant and the deceased were returning from Gurudwara Baba Buddha Sahib Ji on their respective motorcycles, suddenly all the accused came on a car and motorcycles on the road. On coming to the spot, the accused struck their car against the motorcycle of the deceased, as a result thereof they fell down. Thereafter, all the accused who were armed with lethal weapons including fire arms attacked both the deceased and inflicted various injuries on their person. Both the deceased who were still alive were then pushed into their car and taken to the village where they were thrown out of the car by the accused. The accused yet again inflicted injuries and fired upon both the deceased and then tried to run their car over them. It was the complainant himself who informed his family members about the occurrence. While deceased Amandeep Singh died at the spot his wife

Amanpreet Kaur, who was still alive, was removed to the hospital, however, she too succumbed to her injuries. The FIR was promptly lodged after the occurrence in question and the complainant specifically named all the accused including the petitioner, as he was well acquainted with them. The contention of the learned counsel for the petitioner that since he had been found innocent and placed in column No.2 it was indicative of his false implication, would not come to his rescue in view of the fact that the case in hand hinges on eye witness account. Still further, the submissions made by learned counsel that the presence of the complainant was doubtful at the time of the occurrence in question since he had not received any injury on his person cannot be a ground to doubt the veracity of the prosecution version at this stage. The authenticity or otherwise, of the complainant's version would be delved into when evidence is led during the course of trial. Further, in the wake of the nature and gravity of the allegations levelled, wherein two persons were murdered, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner as there could be a likelihood of the petitioner tampering with evidence or even trying to influence the witnesses to depose in his favour.

5. Accordingly, the instant petition is dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No