

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.392 of 2024 (O&M)
Date of decision : 12.01.2024

Amandeep Singh @ Amna

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.166 dated 21.09.2023 registered under Sections 307/459/342/34 IPC and Sections 25/27/54/59 of Arms Act (Sections 201/506/120 B IPC added later on) at Police Station Sadar Ferozepur, District Ferozepur.

2 As per the contents of the FIR, it has been alleged as under :-

“Statement of Harpreet Kaur wife of Late Nishan Singh son of Jasvir Singh r/o village Assal, police station Sadar Ferozepur aged about 28 years, mb. no.62838-48816. Stated that I am resident of above said address and a household lady about 10 years ago, my marriage was solemnized with Nishan Singh r/o Assal. I have two children, son aged about 5 years and daughter aged about 8 years. My husband Nishan Singh has expired in the year 2018. Now I, my both children and my mother in law and sister in law Amandeep Kaur Mannu Baba are residing. I and my mother in law alongwith our children were slept in one room and in another room my sister in law namely Amandeep Kaur Mannu was sleeping and our servant namely Jashan was slept in the cattle hut. On dated 20/21.09.2023 at about 01.00pm two unknown persons were entered into our house after, crossing the wall. Who entered our room, after woke us up, the keys of our house and mobile phone mark

Apple iPhone, in which 62838-48816 number is working and mobile phone of my mother in law Gurmeet Kaur, which is keypad phone and touch phone of my daughter. They had pistol, due to the fear, we gave them keys and mobile phone. After that out of them one gentleman had locked me in the washroom, which situated in the room and shoot my mother in law. I heard the noise of firing in the washroom and I raised alarm Bachao-Bachao. On that my sister in law wake up in the second room, who also raise alarm and accused persons ran away from the spot. My sister in law open the door of washroom, then we saw that my mother in law Gurmeet Kaur was lying in the floor of our house. She received fire arm in the left side of her chest and blood was oozing, who was semi conscious. To whom, we arrange the vehicle and admit at Baghi Hospital, Ferozepur, due to the unstable condition my mother in law Gurmeet kaur was referred at GMC Ludhiana. I become unconscious after see the incident, due to that my relative Sukhwinder Singh has arrange the vehicle and admitted me at Civil Hospital, Ferozepur, where my treatment is going on. Now I, disclosed everything to you. Statement is recorded, heard, it is correct.”

3 Custody certificate has been filed. The same is taken on record. As per the same, the petitioner is behind bars since 27.09.2023 and has suffered incarceration for more than 3 months.

4 Learned counsel for the petitioner submits that infact the matter relates to family dispute wherein the victim has accused her own brother for conspiracy leading to the present occurrence.

5 As per the prosecution, the role that is claimed to have been unearthed during the investigation is on the basis of disclosure to the effect that an amount of Rs.90,000/- was paid to the petitioner to arrange pistol.

6 Learned counsel for the petitioner submits that main accused Amandeep Kaur @ Mannu stands admitted to bail. Challan stands presented and thus there can not be any apprehension that the petitioner shall tamper with the evidence.

7 *Per contra* learned State counsel on instructions from HC Paramjeet Singh submits that the petitioner is a habitual offender having 2 more cases under NDPS Act and one under Arms Act.

8 Faced with this situation counsel for the petitioner relies upon ***Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831*** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed on ***Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382.***

9 I have heard learned counsel for the parties and have gone through the records of the case.

10 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

10 Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

11 Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

12.01.2024
Pooja sharma-I

Whether speaking/reasoned Yes
Whether Reportable : No