

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14865-2024

Date of Decision:-03.04.2024

Amritpal Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Arshdeep Singh Brar, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.86 dated 15.06.2021 under Sections 341, 323, 148, 149, 201 IPC registered at Police Station Sadar Kotkapura, District Faridkot.

2. The present FIR came to be registered at the instance of the Chinder Kaur and reads as under:-

“ Statement of Chinder Kaur wife of Rajinder Singh son of Harnam Singh, resident of Sucha Singh Nagar. Gali No.11, Bathinda, aged about 59 years, mobile No.96461-278101. Stated that I am resident of said address and I do household chores. My parental village is Panjgarai Kalan and I got married to Rajinder Singh about 36 years ago. My one brother Balvir Singh is mentally upset since beginning, who lives with me. His 4 Marla land is situated at Village Panjgarai Kalan and 14 Kanal land which is in his name, my nephews Amritpal Singh, Jaspal Singh alias Kala and my brother Surjit Singh have sold more than their

share of land. Now, my nephew Amritpal Singh, Jaspal Singh and Karamjit Kaur w/o Amritpal Singh are sitting on the land of Balvir Singh. Yesterday on 14.06.2021 at around 11 AM, I and my husband Rajinder Singh came to visit the house of my brother Balvir Singh. When we had just alighted from the car near the house then Gurwinder Singh alias Gora armed with Kappa, Hakam Singh son of Gurdial Singh armed with Dang, Amritpal Singh armed with Iron Rod. Jaspal Singh alias Kala armed with Iron Rod, Karamjit Kaur armed with Dang, all residents of Villager Kewal Patti Panjgarai Kalan surrounded us and Hakam Singh raised lalkara to catch us and do not leave us to go. At this, Gurwinder Singh gave Kappa blow, which hit on the left side of my head above the ear. I fell down. Amritpal Singh gave Rod blow on my left shoulder. Jaspal Singh gave Rod blow on my right thigh. I raised alarm 'Marla Marta'. Then Karamjit Kaur gave Dang blow on my left leg. In the meanwhile, Hakam Singh gave Dang blow on me but in my defence, I raised my right hand and the blow hit on my fingers. When my husband Rajinder Singh tried to get me freed, then said persons with their respective weapons caused injuries on the head, right arm and left arm of my husband Rajinder Singh. On raising alarm by me, when said persons were fleeing from the spot then Jaspal Singh snatched chain and gold locket from my neck. Then our driver Gurmeet Singh took us to Civil Hospital, Kotkapura in car. In the meanwhile, my son Gurpreet Singh also reached at Civil Hospital, Kotkapura, who got admitted me in the hospital and my Devar Rana Brar got me admitted. The grudge behind the occurrence is that earlier a Panchayati compromise was arrived between us regarding the said house. We came to visit our house. But all of them in connivance with each other caused injuries to me and my husband Rajinder Singh. Statement got recorded, heard it and the same is Kourid correct. Kindly take action, RTI Chhinder Kaur."

3. The learned counsel for the petitioner contends that initially the petitioner had been granted the concession of bail as the offence was bailable. However, subsequently as he had shifted his residence he was unable to appear before the Court and was declared a proclaimed offender.

However, now he had been in custody since 16.09.2023. Only 01 out of 11 Pws had been examined so far and, therefore, the Trial of the present case was not likely to be concluded anytime soon. Hence he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that though the petitioner has been granted the concession of bail as the offences were bailable, he was declared a proclaimed offender and came to be arrested on 16.09.2023. There was every likelihood of the petitioner absconding in case he was granted the concession of bail. He however concedes that the petitioner had clean antecedents, was in custody since 16.09.2023 and only 01 out of 11 Pws had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the offences being bailable the petitioner was granted the concession of bail. Though he absconded and was declared a proclaimed offender, he has now been in custody for the last 06 months. The case is triable by the Court of a Magistrate. Only 01 out of 11 Pws has been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Amritpal Singh** son of Sh. Surjit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the

cases mentioned in this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 03, 2024
Vinay

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