

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29426 of 2023
Date of decision: 18th March, 2024

Amandeep Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Kumar, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0090 dated 28.04.2022 under Section 302 of the IPC and Section 25, 27 of the Arms Act, 1959 registered at Police Station Tanda, District Hoshiarpur.
2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner; in fact, had there been any intention on the part of the petitioner to murder the deceased, he would not have first fired in the air and then aimed at the deceased. It has been further submitted that during his deposition, particularly when the complainant was subjected to cross-examination, a lot of glaring inconsistencies came to the fore which create a serious

dent in the case of prosecution; as per the complainant, the petitioner was armed with a double barrel gun which he used in the crime in question and the distance between the deceased and the petitioner was 3-4 feet. Learned counsel has asserted that it could not have been possible in the circumstances, for the petitioner to have aimed at deceased and fired at him. Learned counsel has further contended that since all the material witnesses including the complainant, have been examined coupled with the petitioner having now been in custody since 29.04.2022, his further incarceration would serve no useful purpose as 8 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, has submitted that all the prosecution witnesses, while stepping into the witness box, had supported the case of the prosecution in its entirety, inasmuch as they had categorically deposed that the petitioner came to the spot armed with a firearm i.e. a double barrel gun; after first firing in the air, he aimed towards the son of the deceased, however, the deceased came in front as a result of which he succumbed to the firearm injury received at the hands of the petitioner. He further submits that the next date of hearing fixed before the trial Court is 10.04.2024 when some more witnesses are likely to be examined and hence there is every possibility that the trial would not take much time to conclude.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. A perusal of the FIR, which has been annexed as Annexure P-1, reveals that it was a premeditated attack carried out by the accused/petitioner; there was a verbal altercation between the complainant party and the petitioner. Feeling offended, the petitioner went to his house and returned with a firearm, with which he committed the crime in question. In the facts and circumstances as enumerated hereinabove, more so when the trial would not take much time to conclude as only formal witnesses remain to be examined, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such 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.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2024
rps

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