



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-24950-2024

Date of decision: 30.07.2024

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate and
Mr. Jaiveer Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is the second petition filed by the petitioner under Section 439 of the Cr.P.C. for grant of bail in case FIR No.50 dated 20.05.2021 under Sections 302, 307, 323, 120-B, 506 and 34 of the IPC registered at Police Station Sadar Banga, District SBS Nagar; the earlier petition seeking similar relief was dismissed as withdrawn on 09.01.2024 vide Annexure P-8.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case as is evident from the fact that the complainant had made significant improvements in his disclosure statements made after the registration of the FIR in question. It has been further submitted that initially the complainant



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stated that the place of occurrence was in front of his house wherein a CCTV camera was installed, however, subsequently the place of occurrence was changed by the complainant outside the house of Sucha Singh; interestingly, site plan annexed with the challan depicted the place of occurrence to be a vacant plot of land. Not only this, the complainant further improved his version in his subsequent statements by alleging that even his wife had sustained injuries in the occurrence in question whereas in the FIR, it had been alleged that only his father had sustained injuries. A prayer has, therefore, been made that as the petitioner has been in custody since 29.05.2021 and in view of the different statements made by the complainant subsequent to the alleged occurrence, he deserves to be extended the concession of bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the FIR is not an encyclopedia which should contain each and every minute detail, and that too when the entire family of the complainant was in a frenzy on account of the gruesome attack carried out by the petitioner in connivance with the co-accused. It has been further submitted that the occurrence in question was a premediated attack; the petitioner was driving the tractor and he hit the deceased with the same intentionally causing fatal injuries on his head. The petitioner and the accused party had a motive to commit the crime in question as they had been nursing a grudge against the complainant party on account of the complainant party being awarded some land during an auction.



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Furthermore, there was an audio recording, wherein during the alleged occurrence, the petitioner and other accused were clearly audible giving threats of dire consequences; the FSL report qua the audio recording had since been received and as per the report the voice of the petitioner had matched with that in the audio recording. It has been still further argued that all the material witnesses including the complainant and the eye witnesses had supported the case of the prosecution in its entirety.

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

5. The petitioner had earlier approached this Court on 09.01.2024 under Section 439 of the Cr.P.C. However, the first petition was withdrawn by learned counsel for the petitioner in view of disinclination of this Court to extend the concession of bail to him.

6. On a pointed query put to the learned counsel for the petitioner as to whether there was any material change in circumstances, apart from the extended custody of the petitioner, learned counsel has been unable to satisfy this Court qua the same.

7. It would be relevant to reproduce the allegations levelled in the FIR, which are as under:-

“Statement of Sarabjit Singh s/o Darshan Singh r/o village Gobindpur P.S. Sadar Banga aged about 35 years Mobile no. 94631-80680. Stated that I am permanent resident of the above said address. I am agriculturist. We are two brothers, I am elder brother and my younger brother went to America,. Today on 19-05-2021 at about 8pm, I and son of paternal uncle (Taya) Amandeep Singh s/o Gurcharan Singh were sitting in the park of our village. Then, Amrik Singh, Gurdeep Singh both s/o's of Kashmir Singh and Sukhwinder Singh s/o Amrik Singh, Navi s/o Nirmal Singh r/o village Gobindpur along with one unknown boy having haircut. Whom I can indentify too when he will come



*infornt of me. A new blue colour Holland Tractor model 5630 and was having land leveller (karah- a agricultural equipment) on the back. Tractor was 4x4 which was having four tyres on the front side. All persons were riding on it and were playing stereo at high pitch and making loud noises. It seems that they were under the influence of alcohol. After seeing there actions we went to our home. All the above mentioned persons on tractor passed from the front of our house by abusing and then went to their home. Then, I and my father Darshan Singh and my parental uncle (taya)'s son Amandeep Singh and my paternal uncle Girdara Singh, Gurcharan Singh and my wife Amandeep Singh and my mother Harbans Kaur were standing in the way outside the gate of our house. **Then at about 8:30 pm, Amrik Singh, Gurdeep Singh s/o Kashmir Singh and Sukhwinder Singh s/o Amrik Singh, Nabi s/o Nirmal Singh resident of Gobindpur. Amrik Singh was driving the tractor and sitting alongside Gurdeep Singh s/o Kashmir Singh and Sukhwinder Singh s/o Amrik Singh, Nabi s/o Nirmal Singh resident Gobindpur stated to Amrik Singh that today we will not let go these persons and Amrik Singh turned his tractor towards us. I and my paternal uncle(taya) son Amandeep Singh and both my parental uncle got on side. Tractor intentionally hit my father. Due to which my father fell down and land leveller (karaha) on the back of the tractor hitted on the head of my father due to which my father got serious injury and some other injury were sustained on the body. These all persons abused us and alongwith their powerfull tractor they ran away from the spot. I and my parentnal uncle (Taya)'s son and the neighbours arranged a vehicle and took my father to civil hospital. A fter looking at my father Darshan Singh doctor declared him dead. Grudge behind this was that auction of the panchayat land took plsce one week before. That in auction land was allotted to us. Due to which Amrik Singh after conspiring intentionally hit my father due to which my father expired. So, legal action kindly may be taken against above said persons. SD/ Sarbjit Singh verified SD/- Pawan Kumar SI SHO P.S. Sadar Banga dated 20-05-2021...***

8. A perusal of the allegations levelled in the FIR leave no manner of doubt about the gravity of the offence; prima facie it comes across as a premediated attack wherein the petitioner along with the co-accused conspired to eliminate the deceased. The fatal injuries on the

deceased have been attributed to the petitioner. In the facts and circumstances as enumerated hereinabove and the manner in which the crime was executed, the petitioner does not deserve the concession of bail.

9. Accordingly, the instant petition is hereby dismissed.

10. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the learned Trial Court to expedite the trial in view of long incarceration of the petitioner.

11. Since the instant case pertains to the year 2021 and only 14 prosecution witnesses remain to be examined, the learned Trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within next six months.

12. 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.

30.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No