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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2872-2024 (O&M)
Date of Decision: 02.09.2024

AMANDEEP SINGH ALIAS DEEP

.. Appellant

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Kuljeet Kaur, Advocate for
Mr. Gurdarshan Singh Sidhu, Advocate
for the appellant.
Ms. Ankita Ahuja, AAG, Haryana.
Ms. Gurpreet Kaur, Advocate for complainant.

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SUMEET GOEL, J. (Oral)

1. Learned counsel for the appellant has submitted that, on account of inadvertence, the complainant could not be arrayed as a party-respondent in the instant appeal. An oral request has been made by learned counsel in this regard. Keeping in view the totality of facts and circumstances of the case, complainant, namely, Jeet Singh s/o Maghar Singh, r/o Bandar Patti, Rori, Tehsil Kalanwali, District Sirsa is hereby impleaded as party-respondent No.2.

Registry is directed to carry out the requisite correction in the memo of parties.

2. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.136 dated 15.09.2023, registered for the offences punishable under Sections 147, 148,

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149, 323, 452 and 506 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 25 of Arms Act, 1959 at Police Station Rori, District Sirsa.

3. As per the case set up in the FIR is as follows:-

“Statement of Jeet Singh S/o Maghar Singh S/o Sukha Singh, resident of Bandar Patti, Rori, aged 57 years, Mob. No.805505205. It is stated that I am a resident of the above address. I do labour work. On 07.09.2023 at about 10.30 PM, I was resting at home when I heard a noise in Gali. I came out of my house. Amandeep Singh alias Deep S/o Jarnail Singh Zamidar, Lovepreet Singh alias Labbu S/o Iqbal Singh, Avtar Singh alias Tari S/o Binder Singh, Lovepreet Singh alias Luv S/o Jaggi Singh, Arshdeep Singh S/o Jassa Singh, Gagandeep Singh alias Guggu S/o Darshan Singh, Jassi Singh S/o Harjeet Singh, Talwinder Singh S/o Jaggi Singh, all residents of Village Rori were causing beating to Amrik Singh son of Jagan Singh, R/o Village Rori of our village in Gali. I saw that Amandeep had a pistol and Dattar in his other hand. Labbu had a Kirpan in his hand, whereas Avtar Singh alias Taari had a Kassiya, Luv son of Jaggi Singh had a handle of tap, Talwinder had a Gandasi in his hand and Gaggu had Soti in his hand. All were quarrelling with Amrik Singh and all of them were abusing in a loud voice by saying that they would make him head of the drug committee. Labbu pulled down Amrik Singh. All were beating Amrik Singh. I shouted do not beat Amrik. Meanwhile, Labbu gave Kirpan a blow on Amrik Singh. Upon hearing my voice, Labbu raised a lalkara and started running back towards my house, then Amandeep Singh said loudly, do not spare this chuhda; Teach everyone a lesson, finish them. Then everyone ran after me. I tried to shut the door of my house, Avtar Singh kicked my gate with force, and the gate was opened. Avtar Singh gave Kassiya a blow on my right hand. Then Luv gave a blow of the handle of tap on my right hand. All of them entered my house and started beating me. They started abusing me with caste remarks. Meanwhile, on hearing our noise, neighbouring people gathered at the spot. All the assailants threatened that today we were saved, but if we interfered in their work again, they would kill us. All of them fled away from the spot alongwith their respective weapons on City Bajaj motorcycle, Pulsar motorcycle and Bullet motorcycle. My son Balwinder Singh and my family members got me admitted at Kalanwali Hospital on 08.09.2023 but the doctor referred me to the Government Hospital, Sirsa. Now, my treatment is going on in DMC Sirsa. The grudge behind the occurrence is that a committee has been formed in our village Rori, for the prevention of drugs. Due to this, there is a prohibition of consuming drugs, drug addicts, drug sellers and

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vagabonds in our Gali. Due to this, Amandeep, Luvpreet alias Labbu, Avtar, Arshdeep, Gagandeep, Luvpreet Singh alias Luv, Jassi, and Talwinder have caused us injuries without any reason. Kindly initiate legal action against them and justice may be done to me.”

4. Learned counsel for the appellant has argued that the appellant is in custody since 21.11.2023. Learned counsel for the appellant has submitted that the investigation in the case already stands completed and the challan has been presented on 16.02.2024. Learned counsel for the appellant has further submitted that the FIR in question was got registered on account of a misunderstanding which has since been resolved and a compromise (copy whereof has been appended as Annexure P-3 with the instant petition) has also been entered into between the parties. Thus, regular bail is prayed for.

5. Counsel for the State, on the other hand, contends that the impugned order has been passed considering the totality of the circumstances of the case. All the grounds raised by the appellant have been considered and dealt with in their proper perspective by the trial Court. Therefore, the appellant is not entitled to the concession as prayed for.

6. Learned counsel for respondent No.2/complainant ratifies the factual aspect of the matter as pleaded for by the appellant.

7. I have heard counsel for the parties and have gone through the available records of the case.

8. The appellant was arrested on 21.11.2023 whereinafter investigation was carried out and challan stands presented on 16.02.2024. Total 20 prosecution witnesses have been cited and culmination of the trial will, but of course, take its own time. As per custody certificate dated

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01.09.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of more than 09 months and 10 days. Further, as per this custody certificate, the appellant is involved to be shown in other cases but this factum by itself would not be sufficient to decline the concession of regular bail to the appellant in the instant appeal. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

9. In view of totality of factual matrix of the present case, the instant appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/local surety bonds to the satisfaction of the concerned learned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned learned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.



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(vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The appellant shall not in any manner try to delay the trial.

10. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

11. Ordered accordingly.

12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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

02.09.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No