



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-44400-2024

Date of decision: 18.12.2024

Harmandeep Singh @ Harmanjit Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Brijesh Nandan, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this second petition filed under Section 439 of the Cr.P.C. is for granting the concession of regular bail to the petitioner in case FIR No.239 dated 23.11.2020 under Sections 308, 341, 323, 324, 148, 149 of the IPC (Section 302 of the IPC) registered at Police Station P.S.Khilchian, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. While referring to the allegations levelled in the FIR annexed as Annexure P-1, it is submitted that no specific weapon or act directly linking the petitioner to the murder of the deceased has been attributed to him. It is further argued that the complainant, while naming the petitioner, alleged that one Harmanjit Singh, son of Jeet Singh, was armed with a stick at the time of the incident, whereas the petitioner is Harman Deep Singh son of Manjit Singh. This



factual discrepancy, it is urged, undermines the credibility of the allegations against the petitioner.

3. Learned counsel has also emphasized that only a simple injury has been attributed to the petitioner, which, as per the post-mortem report, is not the cause of the death of the deceased. The petitioner has already been in custody for over three years, having been arrested on 04.05.2021. With 26 of the 28 prosecution witnesses yet to be examined, it is submitted by the learned counsel that the trial is likely to take some time to conclude, and further incarceration of the petitioner in the circumstances would serve no useful purpose.

4. *Per contra* learned counsel for the State, while opposing the prayer and submissions made by the counsel for the petitioner, has contended that the instant case is based on an eyewitness account and the petitioner has been specifically named in the FIR. Learned State counsel has reiterated the allegations levelled in the FIR which stands reproduced here in under:-

“Statement of Mandeep Singh s/o Balwinder Singh, resident of village Vadala Kalan, aged 20 years, Mobile: 62844-67169. Stated that I am resident of abovesaid address and I am electrician by profession. On dated 21.11.2020, I and Amritpal Singh @ Raja [my cousin brother- Uncle's son], age 21 years, who is labourer by profession son of Lakhwinder Singh, resident of village Jallupur Khera, after finishing electricity work of the house of Shammi by riding on Motorcycle (CT- 100) were coming back to our village Vadali Kalan. I was driving motorcycle and



Amritpal Singh was sat on rear seat. Time will be around 2/2:30 PM, when we reached near the fields of Karanbir Singh son of Shamsher Singh from our village, where Money son of Sarabjit Singh, resident of village Wadala Khurd, armed with stick; Arshdeep Singh son of Balwinder Singh @ Pappu resident village Wadala Kalan; Karamjit Singh son of not known, resident of village Wadala Kalan armed with Dattar; Manjit Singh @ Dachar son of Swaran Singh; resident of village Wadala Khurd armed with Iron Rod; Harmanjit Singh son of Jeet Singh, resident of village Wadala Khurd armed with stick; Sandeep Singh @ Seepa son of not known, resident of Baba Bakala Sahib armed with stick; Gurjit Singh @ Dimpa Pardhan son of not known: resident of Baba Bakala Sahib armed with stick were standing near the motorcycles and they stopped our motorcycle and Manjit Singh Dacher by raising Lalkara said catch him (Raja) and teach him lesson for creating dispute with us, then Money gave stick blow on the head of Amritpal Singh [my uncle's son] with the intention to eliminate him; thereafter Manjit Singh hit iron rod on his head, after that Arshdeep gave Gandasa blow on him from reverse side and he with the motive to protect him forwarded his left arm and this blow hit on his left arm, due to suffering injuries my brother fell on the ground. While my brother was lying on earth then Karamjit Singh; Harmanjit Singh Gurjit Singh hit their respective weapon in his chest. After that Sandeep Singh hit his stick on his left arm and the abovesaid persons beaten him with their respective weapons. Then I raised Alarm "Mar Dita-Mar Dita" then assailants ran away alongwith their weapons by raising Lalakaras by riding on their



motorcycles. When I saw to my brother by reaching near to him, then he was unconscious. Grudge behind this is "that my brother Amritpal Singh @ Raja had already been carrying on dispute with above said persons. I by arranging vehicle admitted to my brother at Kaler Hospital and the doctor of hospital after giving preliminary treatment, referred him to Guru Nanak Dev Hospital, where also the doctor given first aid. On seeing critical conditions we admitted to him at K.D. Hospital, Amritsar, where the doctor have done surgery of head's injuries and he is still in unconscious condition. I, being busy in his treatment could not get record my statement. So today I by accompanying to my uncle's (Tayya's) son Nishan Singh son of Lakhwinder Singh have come to record my statement. The above said persons with the intention to kill to my uncle's son Amritpal Singh @ Raja have made attack on him and have injured him badly. I have got recorded my statement, read it, heard it. Legal 'action may be taken against above said persons: During this quarrel I have also suffered injury below right eye. I "will be produced the MLRs regarding the injuries of me and my brother Amritpal Singh @ Raja later on. Sd/- Mandeep Singh; Sd/- Nishan Singh: Sd/- Paramjit Singh, Kalchian, dated 23.11.2020."

5. It has been argued that a perusal of the above-reproduced FIR reveals that the petitioner has not only been named but there are specific allegations regarding the petitioner qua his active participation; the petitioner was armed with a stick and was part of the unlawful assembly;



the petitioner along with the co-accused inflicted a number of injuries upon the deceased in furtherance of their common intention.

6. Learned State counsel further submits that the most material witnesses i.e complainant and eyewitness have, while stepping into the witness box, supported the case of the prosecution in its entirety and clearly identified the petitioner as being one of the alleged attackers. Furthermore, it is argued that the medical evidence corroborates the ocular testimony. It has also been asserted that the existence of a motive, on account of a previous grudge, which the accused party was nursing against the deceased, further lends support to the case of the prosecution. Learned State counsel also contends that the absence of evidence, as urged by the learned counsel for the petitioner, specifying who inflicted the fatal injury, or the non recovery of the weapon does not negate the involvement of the petitioner in the offence. A prayer has been made by the learned State Counsel for dismissal of the instant petition as there is every likelihood that if the petitioner is released on bail, he may abscond or otherwise impede the trial.

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

8. The petitioner has been specifically named in the FIR in question. *Prima facie* there are specific allegations against the petitioner of having actively participated in the instant incident and also inflicting injuries upon the person of the deceased. The complainant and eyewitness have reiterated the allegations levelled in the FIR during their depositions before the trial Court and have supported the case of the prosecution.



Furthermore, the medical evidence is *prima facie* consistent with the version of the prosecution.

9. Given the seriousness of the allegations including the petitioner’s alleged role in an unlawful assembly that resulted in the death of deceased-Amritpal Singh, this Court is not inclined to extend the concession of regular bail to the petitioner at this stage.

10. Accordingly, the instant petition is hereby dismissed. 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.

11. However, considering the custody period of the petitioner, the trial Court is directed to make all earnest efforts to expedite the trial and conclude at the earliest preferably within six months from the date of receipt of copy of this order.

December 18, 2024
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(MANJARI NEHRU KAUL)
JUDGE

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