



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

252

CRM-M-10973-2025

Date of decision: March 4th, 2025

Amritpal Singh alias Amrit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in FIR No.18 dated 06.03.2022 under Sections 302, 307, 148, 149, 120-B of the IPC and Section 25 of the Arms Act (Section 302 IPC deleted later on), registered at Police Station Kalanaur, District Gurdaspur.

2. Learned counsel for the petitioner submits that the FIR in question (Annexure P-1) was registered against unidentified persons, who came to the place of occurrence on 05.03.2022, with no suspicion raised against the petitioner by the complainant. However, two days later, the complainant, a friend of deceased Jaswinder Singh alias Happy, made a supplementary statement, suspecting the involvement of co-accused Ranjit Singh. Upon his arrest, Ranjit Singh disclosed that the petitioner had accompanied him and participated in the twin murders of Jaswinder Singh and Baljeet Singh at an eatery near the bus stop. According to the disclosure statement, the petitioner was armed with a

datar, but no injury-let alone a fatal one-was attributed to him except for one inflicted on Gagandeep Singh (injured witness). It is further argued by the learned counsel that no weapon was recovered from the petitioner, and no motive has been attributed to him. The only evidence against him is the disclosure statement of a co-accused, which has limited evidentiary value.

3. It is also submitted by the learned counsel that the petitioner has been in custody since 28.02.2024, with only one out of 33 prosecution witnesses examined so far, making an early conclusion of that trial unlikely. Furthermore, identically placed co-accused have already been granted bail.

4. On the other hand, the learned State counsel while opposing the prayer and submissions made by the counsel opposite has argued, on instructions, that after co-accused Ranjit Singh was arrested following the supplementary statement made by the complainant, he disclosed the names of all the unidentified assailants. While the complainant did not nominate the petitioner, his name surfaced in co-accused Ranjit Singh's disclosure statement. It has been contended by the learned State counsel that the petitioner along with the co-accused were involved in a cold-blooded murder and hence, he does not deserve the concession of bail. However, the learned State counsel has not disputed the custody period or that 30 prosecution witnesses remain to be examined. It is also undisputed that the motive to commit the crime has been attributed only to co-accused Ranjit Singh and that the petitioner has not been attributed fatal injuries on the deceased. However, learned State counsel has, on instructions, submitted that the petitioner has been attributed a *datar* injury on the complainant.

5. On a pointed query, learned State counsel, on instructions, has also not been able to refute that the petitioner has no previous criminal antecedents and he is similarly placed as co-accused, who have been granted bail.
6. I have heard learned counsel for the parties and perused the relevant material on record.
7. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which are as under:

“Statement of Gagandeep Singh son of Mangaljit Singh r/o Bhandwa, P.S. Kalanaur aged about 41 years, stated that I am resident of above mentioned address and I have passed MSc/IT and now doing the work of agriculture. On 05.03.2022, me and my friend Jaswinder Singh @ Happy son of Shangara Singh, r/o Shahpur, P.S. Ghuman Kalan, Daljit Singh son of Jagir Singh, r/o Khosian, P.S. Surat Kotli Malli were sitting at Ninda Chicken Corner Adda Wadala Bangar and having chicken and I was sitting with my back towards the door and my friend Jaswinder Singh @Happy and Daljit Singh were sitting towards their face in front of door and 3-4 persons were also having chicken inside the shop. It was about 8 p.m., that suddenly 5-6 unidentified persons came there who have muffled their faces and out of which 2 unidentified persons were having pistol in their hands and remaining persons were dattar. Out of which one unidentified person fired a shot towards me, towards backside of my head and the person having pistol started firing towards my friend Jaswinder Singh @Happy son of Shangara Singh r/o Shahpur and Daljit Singh s/o Jagir Singh 7/0 Khosian which hit Jaswinder Singh @ Happy on his chest and Daljit Singh on his right side of waist and both of them fell down on the ground. The unidentified persons gave datar blow on Daljit Singh while he was lying on the ground, I raised alarm 'maar

ditta' 'maar ditta' then the unidentified persons ran away along with their respective weapons, in the meantime many persons gathered there and in the meantime my uncle Lakhwinder Singh son of Rupinderjit Singh came to the spot who got me admitted at Escort Hospital, Amritsar where I am under treatment, where I came to know that my friend Jaswinder Singh @ Happy s/o Shangara Singh had died because bullet injury and my another friend Daljit Singh son of Jagir Singh r/o Khosian are admitted at Amandeep Hospital, Amritsar. Action be taken against the persons who murdered my friend Jaswinder Singh @Happy and caused injuries to me and my friend Daljit Singh.”

8. A reading of the FIR reveals that it was registered against unidentified persons, who came to the place of occurrence in muffled faces, while two of the alleged assailants were armed with firearms, the others were carrying *datars* with them. Both the deceased received gunshot wounds to which they subsequently succumbed.

9. The petitioner has been implicated solely on the basis of the disclosure statement made by Ranjit Singh. Notably, one of the prosecution witnesses, Baljit Singh, although present at the scene, remained silent for a week before nominating co-accused Ranjit Singh. Since he was not acquainted with any of the accused, his delayed identification raises doubts.

10. Be that as it may, without commenting on the merits of the case, since the petitioner has been in custody for a significant period, coupled with the fact that he has not been assigned any motive to commit the crime and has also not been attributed any injury on either of the deceased, this Court deems it fit to extend the concession of bail.

11. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

March 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No