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

CRM-M-42569-2024**Date of Decision: 28.01.2025**

Amritjeet Singh alias Amrit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gurpreet Singh Sanhu, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.118 dated 12.09.2023 registered under Sections 307, 148 & 149 of IPC and Sections 25 and 27 of Arms Act, 1959, at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. The FIR in the present case was registered on the basis of the statement made by Harmanjot Singh alias Hema son of Nirmal Singh and the same has been reproduced below:-

“Statement of Harmanjot Singh alias Hema son of Nirmal Singh, resident of Megga, Tehsil Dera Baba Nanak, aged about 21 years, mobile No. 90561-69662, stated that I am a resident of above stated address and I am an agriculturist. About 4/5 months ago, Gurjant Singh son of Jagmohan Singh of our village had stopped me from passing through the street in front of his house on my bullet motorcycle due to which an altercation took place between me and above mentioned Gurjant Singh, Harpreet



Singh son of Gurjant Singh and Jagtar Singh alias Happy son of Harpal Singh, residents of Megga. Today, on 12.09.2023 at about 5 p.m. I and my brother Jugraj Singh son of Nirmal Singh had gone to the shop of Gurmukh Singh son of Suba Singh, resident of Megga, situated at Dharamkot Bagga for the repair of our tractor, where Gurjant Singh, Harpreet Singh and Jagtar Singh called their friends namely Amrit Singh son of Harpreet Singh and Nihal Singh son of Lakhwant Singh, residents of Thetherke alongwith an identified person at Dharamkot Bagga and these 3 persons came near us on a splendour motorcycle. Above mentioned Gurjant Singh, Harpreet Singh and Jagtar Singh also came on a motorcycle from the side of village Megga and Amrit Singh took out a pistol from his dubb and fired on me and the bullet hit on the elbow of my left arm. Nihal Singh gave a datter blow to me which hit on the finger of my right hand and near the thumb. A large number of people gathered at the spot due to which Amrit Singh, Nihal Singh and the unidentified person accompanying them ran away on foot after leaving their motor cycle at the spot, whereas above mentioned Gurjant Singh, Harpreet Singh and Jagtar Singh while sitting on their motorcycle said that they have given a lesson to Harmanjot Singh. Amrit Singh and his companions left towards village Jhangi on a car having registration number of New Delhi which was waiting for them at a short distance. Above mentioned Gurjant Singh, Harpreet Singh and Jagtar Singh of our village also ran away on their motorcycle. Amrit Singh has fired on me with intention to kill me and my brother Jugraj Singh is an eye witness to this occurrence and this has happened at the instance of Gurjant Singh, Harpreet Singh and Jagtar Singh of our village. Statement has been recorded and is correct. Sd./-Harmanjot Singh.”



3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. As per case of the prosecution, the petitioner took out a pistol and had fired at left elbow of the complainant. He further submits that the injured in the present case has suffered an injury on the non-vital part of his body and has been discharged from the hospital long ago. He further submits that the petitioner was arrested in the present case on 18.09.2023 and is in custody for the last more than 01 year and 04 months. Learned counsel further contends that in the present case, charge has not been framed against the present petitioner and the prosecution has intentionally delayed the trial before the trial Court, so that the present petitioner may be incarcerated for a longer period. He further contends that the co-accused, namely, Lovepreet Singh, Nihal Singh and Sajan Masih have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Gurdaspur.

4. On the other hand, supplementary status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Dera Baba Nanak, Police District Batala has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. He further submits that two more criminal cases were ordered to be registered against the present petitioner and the petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.



6. In the present case, the petitioner is attributed a fire arm injury on the left elbow of the complainant, however, the complainant has already been discharged from the hospital long ago. Moreover, the petitioner is in custody for the last more than 01 year and 04 month, whereas even the charge has not been framed against him. Thus, there are no chances of early conclusion of the trial.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.



- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

28.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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