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

CRM-M-49863-2024 (O&M)

Date of decision : 28.01.2025

Amandeep Singh @ Soni

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.104 dated 13.11.2020, under Sections 302, 307, 452, 427, 506, 148, 149 of IPC, later on offence under Sections 303, 324, 325 and 120-B IPC added, registered at Police Station Jodhan, Ludhiana.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of Manjeet Singh. It was alleged that his father Harbachan Singh had purchased his house at Mansuran after retirement from M.P. Police. They have a dispute with their neighbour Karam Singh and Jagtar Singh, who are their next door neighbour. His maternal Uncle, namely, Chamkaur Singh had come to their house after taking treatment from Ludhiana. On 13.11.2020, his father Harbachan Singh had come home after getting the treatment of his maternal Uncle. At about 10:30 AM, Hari Singh started abusing them and thereafter the dispute was escalated. Amandeep Singh @ Soni armed with dang, Amritpal Singh armed with Gandasa, Gurjant Singh armed with iron pipe,



Himmat Singh @ Bittu Singh armed with wooden stick, Gurdas Singh armed with dang, Hari Singh armed with bat, Gurmukh Singh armed with wooden stick, all started abusing and while abusing entered their house and started giving beatings to his maternal uncle Chamkaur Singh. Amandeep Singh @ Soni (petitioner) attacked his maternal uncle/Mama with his dang on right ankle and other accused also gave injuries with the weapons in their hands. They all dragged his maternal uncle/Mama Chamkaur Singh in the street while beating. On raising alarm by them the said persons left the place along with their weapons by threatening the complainant. They shifted their maternal uncle to Civil Hospital, Pakhowal where he was declared dead. Request was made to take legal action against the culprits. On the registration of the FIR, investigation commenced; postmortem of the dead body was conducted; statements were recorded and on completion of the investigation, challan was presented. The petitioner was arrested on 15.12.2020. The petitioner approached the Learned Additional Sessions Judge, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Ludhiana vide order dated 12.08.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the dispute was between the neighbours and a litigation was already going on between both the sides. He submits that on account of the same, the complainant has falsely implicated the petitioner and other accused. He submits that even otherwise the petitioner has allegedly given stick blow on the ankle of the deceased, which is a



non-vital part. He submits that the petitioner is behind bars from last more than 04 years. He submits that the petitioner has no criminal antecedents. He submits that the prosecution has not been able to conclude the trial. He has placed on record the orders passed by this Court, wherein the similarly situated co-accused, namely, Himmat Singh @ Bittu Singh has been granted bail. He thus, submits that case of the petitioner is at par with that of the co-accused and hence the petitioner, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel, on the other hand, has opposed the submissions made by the counsel for the petitioner and submits that the case of the prosecution is based on the eye-witness account, wherein, the petitioner has been specifically named and he has made an overt act as he had caused injury to the deceased. He submits that as per the postmortem report, the deceased died due to the injuries caused to him by all the accused. He has submitted that out of 41 prosecution witnesses, 05 have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence had taken place on 13.11.2020 and the FIR was registered by the complainant on the same day. The petitioner was allegedly armed with a dang and he had allegedly given the dang blow on the ankle of the deceased. The custody certificate which has been placed on record, shows that the petitioner had suffered an incarceration of 04 years, 01 month and 09 days as on 27.01.2025. It further reflects that the petitioner is involved in one more case under the NDPS Act, however, he is on bail in the said case. The similarly situated co-accused as stated has already been granted bail by this Court (copy of orders has been

placed on record). It is evident that the custody of the petitioner is more than 04 years. Needless to say that speedy trial is the fundamental right of every accused.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.01.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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