

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

2025:PHHC:027438



(220)

CRM-M-49451-2024

Date of Decision: 25.02.2025

Sandeep Singh @ Seepa

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.239, dated 23.11.2020, under Sections 308, 341, 323, 324, 148, 149 IPC and Section 302 iPC, registered at Police Station, Khilchian, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 07.05.2023 in a case of false implication. It has been asserted that although the petitioner has been named in the FIR in question, however, even as per the case of the prosecution the petitioner did not inflict any fatal injuries on the person of the deceased Amrit Pal Singh. It has been argued that the fatal injuries have been attributed to co-accused Harmandeep Singh and co-accused Manjeet Singh with Datar and iron rod respectively on the head and chest of the deceased. Counsel has argued that the falsity of the prosecution case against the petitioner is further evident from the fact that as per allegations

the petitioner inflicted a Dang blow on the left arm of the deceased, however, there was no medical corroboration to the role attributed to the petitioner. It has been further argued by counsel that since most of the material witnesses i.e. the complainant, who also allegedly witnessed the occurrence in question has already been examined, further incarceration of the petitioner would serve no useful purpose as 23 prosecution witnesses still remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel for the petitioner has not disputed the custody period of the petitioner nor has it been disputed, on instructions, that all the material witnesses including the complainant stand examined. It has also not been disputed that petitioner has not been attributed any fatal injury on the person of the deceased. However, learned State counsel has submitted that the petitioner was armed with a Dang with which he inflicted an injury on the left arm of the deceased.

On a pointed query put to learned State counsel, he has not been able to controvert that the Post Mortem Report of the deceased reveals that there is no injury much less any contusion reflected on the left arm of his body.

I have heard learned counsel for the parties and perused the material placed on record including the Post Mortem Report.

The petitioner has not been attributed fatal injury on the person of the deceased. As per the Post Mortem Report the cause of death were head injuries which have been attributed to co-accused Harmandeep Singh and Sandeep Singh with Datar and iron rod respectively. Since all the material witnesses stand examined and 23 witnesses still remain to be

examined, further incarceration of the petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence or influencing/intimidating the witnesses.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant to the petitioner the concession of bail.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

25.02.2025
lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No