



CRM-M-58755-2024

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

CRM-M-58755-2024

Date of Decision: 24.04.2025

Avtar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. Amaninder Singh Sekhon, Advocate,
for the complainant.**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.53 dated 04.08.2023 under Sections 302, 506, 148, 149 IPC and Section 25 of the Arms Act, 1959 (Section 120-B IPC added and Section 27 of the Arms Act deleted lateron), registered at Police Station Sadiq, District Faridkot.

2. Succinctly, facts of the case are that FIR in the present case was registered on the statement of the complainant, namely, Budh Singh. It was alleged that villagers of his village had started a drive against the drug paddlers and thus, on 03.08.2023, they went to the house of Avtar Singh @ Tara (petitioner) who was dealing in business of drugs. On seeing the villagers, he got irritated and threatened to teach them a lesson. On 04.08.2023, the villagers gathered at a common place, where Avtar Singh @ Tara was called. On coming there, he started abusing the villagers. At about 4:00 p.m. Avtar Singh @ Tara alongwith his family members and his friend Amandeep Singh Ghopa again came there. Amandeep Singh Ghopa was armed with pistol and the petitioner was armed with iron rod. Both the



persons raised *lalkara* and said that Harhagwan Singh (deceased) instigated the villagers against him and hence, he deserves to be taught a lesson. On this, Amandeep Singh Ghopa fired towards the complainant and other villagers. The fire made by Amandeep Singh Ghopa from the pistol hit the chest of his brother Harbhagwan Singh. On receiving the fire arm shot, his brother fell down and all the accused escaped from the scene of occurrence. They shifted his injured brother Harbhagwan Singh to Guru Gobind Singh Medical College and Hospital, Faridkot, where he was declared dead by the doctors. Request was made to take legal action against the accused. On the basis of the allegations made, the FIR was registered and the investigation commenced. During the investigation, the petitioner was arrested on 05.08.2023. On the completion of the investigation, challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Faridkot praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 11.11.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case on due deliberation. He submits that the petitioner has no criminal antecedents, however, he has been alleged to be a drug paddler. He submits that from the allegations made by the complainant, the petitioner and his family members gathered at a place where the villagers had already assembled. It is submitted that it was co-accused Amandeep Singh, who had



fired from his pistol at deceased and the petitioner had only been alleged to be armed with an iron rod, however, he has not committed any overt act with the same. He submits that out of total six accused, four accused are already on bail. He submits that the petitioner has no criminal antecedents and he is behind bars from the last more than 1½ years. He submits that out of 28 prosecution witnesses, 02 witnesses have been examined. He, thus, submits that the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had grudge against the deceased and thus, he alongwith his family members and his friend Amandeep Singh Ghopa committed murder of the deceased. He, thus, submits that no case is made out for the grant of bail to the petitioner.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly armed with iron rod and his presence is also established at the place of occurrence. He, thus, submits that the petitioner played an active role in the commission of offence. On instructions, he has submitted that out of total 28 prosecution witnesses, 02 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is inferred that the present occurrence has taken place on 04.08.2023. As per the case of the prosecution, deceased had been fired by co-accused Amandeep Singh Ghopa with pistol. The petitioner was alleged armed with an iron rod, however, he has not used the same for causing any injury to the



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deceased. As submitted before this Court, out of six accused, four accused are already on bail. The custody certificate would reflect that he has suffered incarceration of 01 year 08 months & 15 days as on 23.04.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 28 prosecution witnesses, 02 witnesses have been examined.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

24.04.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No