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(105)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49576-2025

Date of Decision: 05.09.2025

AMAR SINGH @ AMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Soni, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.44 dated 27.02.2023 (Annexure P-1) registered under Sections 302, 323, 324, 336, 148, 149 IPC, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959 at Police Station Gate Hakima, District, Amritsar.

2. The present FIR came to be registered at the instance of Sukhwinder Singh S/o Swaran Singh and the same reads as under:-

“Statement of Sukhwinder Singh son of Swaran Singh, resident of house no. 6873/22 Wariyam Singh colony Chabal road Amritsar, aged around 29 years, mobile no. 9592315302 stated that I am resident of the abovementioned address and I work at HP world Nehru complex. My sworn sister namely Sheetal had a son, and in happiness of that, we were having a party on 26.02.2023 at night in our house. That at about 10:30/11:00 PM, one car make i20 colour white and another car, whose make I could not read, colour white



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arrived. From which Pratham S/o Shaili, Gurdeep Singh S/o Dalip Singh, Ajay S/o Heera Singh, Sujal S/o Sonu, Harpreet Singh @ Pepi S/o Karnail Singh, and Shera S/o Anil, residents of Varyam Singh Colony, Amritsar came. Among them, Harpreet Singh @ Pepi, Pratham, and Ajay got down from their car and raised their voice to remove the motorcycle parked in the street to the side. On hearing this, I and my brother namely Balwinder Singh @ Ballu came out of the house. I said, "we will bring the key and let us move the motorcycle aside." Then Pratham and his companions started abusing us. In the meantime, their remaining companions came out of the car carrying baseball and other sharp-edged weapons. We then went inside our house, but all of them dragged Sonu and my brother Balwinder Singh out of the house. They also called their other companions namely Vijay Bhujhi, resident of Varyam Singh Colony, and 45 other unidentified persons, who also started scuffling with us. Then Pratham, Ajay, and Sujal took glass bottles out from their car. At that time, our neighbor namely Hitesh Kumar, S/o Ashwani Kumar, came forward to save us. Then, among the accused, Vijay Bhujhi gave blow of his baseball on Hitesh Kumar, which hit the back side of his head. The other accused attacked us with weapons and bottles. Pratham, Ajay, and Sujal started hitting bottles on the head of my brother, which hit on his head and due to the bottle blows, my brother Balwinder Singh was covered in blood and fell down on the ground. We raised alarm of "Maar Dita Maar Dita" upon which all the abovesaid accused opened fire from their pistols and ran away from the spot along with their weapons in their cars. We arranged a vehicle and took Balwinder Singh to Mahajan Hospital, Khazana Gate, for treatment, where the doctor declared my brother Balwinder Singh @ Ballu as dead. Hitesh Kumar got his treatment done from Civil Hospital. Pratham and his above-mentioned companions have murdered my brother namely Balwinder Singh @ Ballu and injured Hitesh Kumar. Legal action should be taken against the accused. Statement has been recorded, read and is correct. Sd/- Sukhwinder



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Singh. Attested/- Gurbinder Singh INSP SHO, Police Station Gate Hakima, Amritsar, dated 27.02.2023”

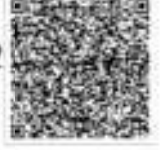
3. During the course of investigation, Amandeep Kaur daughter of Kulwant Singh and Hitesh Kumar were examined by the doctors of Civil Hospital, Amritsar as per which Amandeep Kaur had been found to have received two sharp simple injuries whereas Hitesh Kumar had received one blunt simple injury.

The postmortem of the deceased Balwinder Singh revealed four injuries on his head, left auricle, left eye and left side of the brain and the cause of death was declared to be brain injury.

The supplementary statement of the complainant was recorded wherein, he clarified that he had got mentioned in the FIR the name of one of the accused as Shera S/o Anil Kumar but in fact, his real name was Amar Singh @ Amar S/o Shera.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. His name does not find mentioned in the FIR but only in the supplementary statement of the complainant. No specific injury has been attributed to him. As he is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

5. On the other hand, the learned State counsel contends that the petitioner is duly named in the FIR though on account of some confusion and fear instead of Amar Singh @ Amar S/o Shera, he is named as Shera S/o Anil Kumar. The FIR was registered on 27.02.2023. The anticipatory bail petition

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of the petitioner was dismissed by the Court of Addl. Sessions Judge, Amritsar on 03.07.2024 (Annexure P-2). He has approached this Court after more than 2 ½ years from the date of registration of the FIR and one year from the day of the dismissal of his bail petition by the Sessions Court. Apparently, he is absconding from justice. He prays that in view of the nature of the allegations levelled against the petitioner and his conduct, he is not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. As per the FIR, on account of being frightened at the time of registration of the FIR, the complainant got the name of the petitioner mentioned as Shera S/o Anil Kumar, though his real name is Amar Singh @ Amar S/o Shera. Therefore, it cannot be said by stretch of imagination that there has been any significant improvement in the statement of the complainant. As per the FIR all the accused brutally assaulted the deceased and caused injuries to Amandeep Kaur and Hitesh Kumar. He is absconding from the last more than 2 ½ years. The instant bail petition has been filed after more than 01 year from the date of dismissal of his bail application by the Sessions Court.

8. Therefore, the allegations of murder and the conduct of the petitioner certainly do not entitle him to the concession of anticipatory bail and hence, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

05.09.2025

JITESH

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