

CRM-M-18735-2025 (O&M)

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:066709



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DATE OF DECISION : 19.05.2025

AMRITPAL SINGH ALIAS MANA ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chandan Singh Rana, Advocate &
Ms. Sonia Parmar, Advocate for the petitioner.

Mr. J.S.Arora, DAG Punjab.

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RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 3rd petition praying for granting regular bail in case FIR No.104 dated 13.11.2020 under Sections 302, 307, 452, 427, 506, 148, 149 IPC, later on offence under Sections 303, 324, 325, 120-B IPC added registered at Police Station Jodhan, Ludhiana.

2. Succinctly, facts of the case are that FIR has been lodged on the statement of Manjeet Singh. It was alleged that his father Harbachan Singh had purchased the house at Mansuran after retirement. They had dispute with their neighbour Karam Singh s/o Bara Singh and the court case was also pending regarding the same. His maternal uncle Chamkaur Singh had come to their house for taking treatment at Ludhiana. On 13.11.2020, his father Harbachan Singh returned home after getting his uncle's sugar test done. At about 10.30 A.M. Hari Singh started abusing them. After raising objection, they called their other family members. Out of them, Amandeep

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Singh @ Soni was armed with dang, Amritpal Singh @ Mana (the present petitioner) was armed with gandasa, Gurjant Singh was armed with iron pipe, Himmat Singh @ Bittu Singh was armed with wooden stick, Gurdas Singh was armed with dang, Hari Singh was armed with bat, Gurmukh Singh was armed with wooden stick along with other unidentified persons who were having dangs and rods. While abusing them, they entered their house. When his maternal uncle raised objection, Hari Singh gave a blow of bat on his head and Mana (the present petitioner) gave gandasa blow on his right elbow. The others also attacked with their respective weapons. On raising alarm, they escaped from the scene of occurrence and thereafter, they shifted their maternal uncle to the Civil Hospital, Pakhowal. However, he was declared dead by the Doctor. During the investigation, petitioner was arrested on 15.12.2020. The petitioner approached the learned trial Court, Ludhiana praying for grant of regular bail. However, the same was declined vide order dated 07.10.2022. Thereafter, the petitioner approached this Court by way of filing CRM-M-37012-2023 and CRM-M-7574-2024, however, the same were dismissed as withdrawn vide orders dated 04.08.2023 and 20.02.2024 respectively. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present third 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. He submits that there was a dispute between the parties on account of some civil case and the whole family has been implicated. He submits that out of 16 accused, 12 are on bail. He submits that even as per the allegations made, the petitioner has been alleged to have given a

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gandasa blow on the elbow of the deceased. He submits that the similarly situated co-accused have already been released on bail by the trial Court. He submits that the petitioner has no criminal antecedents. He is behind the bars for last more than 04 years but eventually there is no progress in the trial. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has not only been named in the FIR but he was armed with gandasa and caused injury to the deceased. On instructions, he submits that out of total 41 prosecution witnesses, only 04 witnesses 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 inferred that the occurrence took place on 13.11.2020. The petitioner was armed with gandasa and allegedly given blow on the elbow of the deceased. Out of 16 accused, 12 have already been granted bail. Out of total 41 prosecution witnesses, only 04 witnesses have been examined. As reflected from the custody certificate, the petitioner has suffered incarceration of 04 years 04 months & 28 days as on 16.05.2025. The petitioner has no criminal antecedents.

6. 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

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counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. 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.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

19.05.2025

Janki

**(RAJESH BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No