

**In the Court of Shri Dinesh Kumar Wadhwa,
Additional Sessions Judge,
Bathinda (UID:PB0445).**

CNR PBBT01011393-2023.
CIS No.BA 3566 -2023.
Date of order:11.10.2023.

State versus

Happy Singh alias Ammy son of Baldev Singh son of Sh.Jora Singh,
resident of village Dohak, P.S.Bariwala, District Sri Muktsar Sahib.

..... applicant/accused.

FIR No.05 dated 12.01.2022.
U/s 302, 427, 148, 149, 120-B IPC,
U/s 25, 27 Arms Act.
PS Nathana, Bathinda.

Bail application u/s 439 Cr.P.C.

Present: Sh.H.S.Khara,learned Advocate for applicant.
 Sh.Aseem Goyal, learned Public Prosecutor for the State.

ORDER

1) This order of mine shall dispose of first bail application u/s 439
Cr.P.C. filed by applicant in the above mentioned FIR.

2) Shri H.S.Khara, Learned counsel for the applicant has
submitted that latter has been falsely implicated in the present case.
Accused/ applicant is not named in the FIR. He has been nominated lateron.
The applicant has no concern with the co-accused implicated in this case and
the persons, who allegedly killed Manpreet singh @ Chhalla and Manpreet
Singh @ Vicky. There is no direct evidence against the applicant. The
applicant has been nominated on the basis of statement of Happy Singh son
of Darshan Singh after 1 ¼ years from the occurrence, which has no
evidential value in the eyes of law. There is no evidence to connect the
accused/ applicant with the co-accused. Main prosecution witnesses have

been examined in the trial and they have not supported the case of prosecution. The accused/ applicant was arrested on 24.5.2023 and since then, he is in custody. With these submissions, he has prayed for the grant of bail to the accused.

3) On the other hand, Shri Aseem Goyal, learned Public Prosecutor for the State has submitted that there are serious allegations of murder against the applicant. The applicant/ accused was having conspiracy in committing the offence. With these submissions, it has been prayed that the bail application be dismissed.

4) I have heard rival contentions of both the sides and perused the record.

5) The instant case has been registered on the statement of Gursach Singh on the allegations that he is working as Supervisor at Hill India Limited Company, Bathinda. His sister Paramjit Kaur is married at village Lehra Khana and she has two children Manpreet Singh @ Chhlla and Kulwinder Kaur. Manpreet Singh @ Chhalla was doing the work of supplying labour and vehicles for hiring at Raman Mandi. He alongwith Harmail Singh, his nephew Manpreet Singh @ Chhalla, Manpreet Singh @ Vicky had gone to Gurdwara Baba Vadhawa, village Lehra Khana to attend some Bhog ceremony. At about 1.45 p.m., Harmail Singh (cousin of Manpreet Singh @ Chhalla) went outside the Gurdwara Sahib. Manpreet Singh @ Chhalla and Manpreet Singh @ Vicky had also gone outside the Gurdwara Sahib. He was standing near Jorha Ghar for taking his footwears. In the meantime, he heard the sound of fire shots from the side of street. He went in the street and saw that his nephew Manpreet Singh @ Chhalla had

fallen due to gun shot injuries and Manpreet Singh @ Vicky was lying on the driver seat of Scorpio car bearing registration No.PB-03BG-9900 due to gun shot injuries. In the meantime, Charanjit Singh came at the spot and picked Manpreet Singh @ Chhalla. He noticed one black coloured Skoda Car in which a person was already sitting on the driver seat and two persons swiftly sat in that car and fled away. He could read number of said car as HR51 only. Manpreet Singh @ Chhalla and Manpreet Singh @ Vicky were moved to Adesh Hospital, Bhuchio, where doctors declared them dead. The motive behind the occurrence is that Manpreet Singh @ Chhalla remained supporter of Kulvir Singh Naruana and he has suspicion that rival group attacked Manpreet Singh @ Chhalla and Manpreet Singh @ Vicky. During investigation, on the statement of Charanjit Singh, accused Fateh Singh @ Fateh Nagri, Amandeep Singh @ Amna, Sandeep Singh @ Bhalla and Sukha Dunneka were nominated vide DDR No.33 dated 13.1.2022. Offence u/s 120B, 148,149 IPC was enhanced and offence u/s 34 IPC was deleted.

6) On the statement of Happy Singh son of Darshan Singh, accused/ applicant was nominated vide Rapat No.23 dated 24.5.2023. Applicant has been arrested on 24.5.2023. In the statement, Happy Singh son of Darshan Singh stated that he had heard Gurdhir Singh @ Dhira son of Bachitter Singh and Sukhpreet Singh alias Sukha son of Labh Singh talking with each that Ammy Singh son of Baldev Singh and Pardeep Singh son of Bikker Singh have brought the persons alongwith weapons from Delhi for the murder of Manpreet Singh @ Chhalla and Manpreet Singh @ Vicky and they had stayed with them, but the police has no doubt upon them. As such, applicant was the part of conspiracy to commit murder of two persons.

Supplementary challan has already been framed against the accused but charge is to be framed and thereafter, witnesses are to be examined. There are chances that accused/ applicant may abscond from the process of law or he may try to win over the witnesses, if released on bail at this stage. In view of the nature of the allegations and the attending circumstances, the applicant/ accused is not entitled for the concession of bail. Hence, the bail application stands dismissed. File be attached with the main file.

Pronounced in the Open Court:
Dt.11.10.2023

(Dinesh Kumar Wadhwa),
Additional Sessions Judge,
Bathinda (UID:PB-0445).

Kulwinder Singh,
Stenographer(Grade-II).

CNR PBBT01011393-2023.
CIS No.BA 3566 -2023.

State vs. Happy Singh @ Ammy

Present: Sh.H.S.Khara, learned Advocate for applicant.
Sh.Aseem Goyal, learned Public Prosecutor for the State.

Arguments heard. Vide separate detailed order of even date,
the bail application stands dismissed. File be attached with the main
file.

Pronounced in the Open Court:
Dt.11.10.2023

(Dinesh Kumar Wadhwa),
Additional Sessions Judge,
Bathinda (UID:PB-0445).

Kulwinder Singh,
Stenographer(Grade-II).