

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

CRM-M-2901-2017(O&M)
Date of Decision:16.03.2018

Sukhdev Singh @ Mintu Malhi

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Harmandeep Singh Saini, Advocate,
for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab assisted
by ASI Mulakh Raj.

Mr.Sarvesh Kumar Gupta, Advocate for
Mr.S.S.Rana, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the only allegation against the petitioner, even in the FIR, is that one Balwinder Singh @ Jindi was allegedly told by the petitioner (Sukhdev Singh alias Mintu Malhi), that “some case will happen in 4-5 days.” The said Balwinder Singh @ Jindi is not stated to have even been listed as a prosecution witness.

He further submits that two other persons who are alleged to have made statements under Section 161 Cr.P.C. implicating the petitioner, i.e. Gurpuran Singh and Karamjit Singh, testified as PWs 3 and 4 respectively, wholly disowning any such statement or implicating the petitioner in any manner.

Learned State counsel however submits that other than the aforesaid facts, the petitioner was declared to be a proclaimed offender and

remained so for about 2 years, till he surrendered to the court in the year 2016.

To counter the above, learned counsel for the petitioner submits that he was actually declared a proclaimed offender alongwith other persons, despite the fact that when he was so declared, he was on anticipatory bail, though eventually that bail petition was dismissed.

Having considered all the above said facts as also the fact that out of 45 prosecution witnesses only 7 witnesses are stated to have been examined so far as per even learned State counsel, who says so on instructions from ASI Mulakh Raj, and that the petitioner had earlier surrendered, I consider it appropriate to admit him to interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

Disposed of.

March 16, 2018

dharamvir/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO