

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

**CRM-M-33678 of 2017 (O&M)
Date of Decision: March 16, 2018**

Malkiat Singh @ Keeta

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this second regular bail application under Section 439 Cr.P.C are that on 12.1.2016 Police party accosted two vehicles make Ritz and Figo cars and signalled them to stop and out of which one man opened fire at the police and after a hot pursuit the petitioner was apprehended and from his possession .32 bore country made pistol, five live cartridges and one empty cartridge were recovered.

The contention of the learned counsel for the petitioner that petitioner is behind the bars from two years and 02 months and that it is a non-injury case and that similarly placed co-accused Hardeep Singh @ Suraj has been granted bail vide order dated 01.09.2017 of this Court are sought to be opposed by learned State counsel on the grounds that petitioner is a habitual offender, a desperado and if allowed bail would again commit

the offence.

Appreciating the submissions, keeping in view the period of incarceration and being a non-injury case a debatable issue has arisen as to the applicability of Section 307 IPC and keeping in view the principle of parity and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, and culpability, if any, shall be determined at the time of trial, the present petition stands allowed. The petitioner be admitted to bail to the satisfaction of trial Court.

(FATEH DEEP SINGH)
JUDGE

March 16, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No