

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

**Criminal Misc. No. M-43275 of 2018
Date of decision: 18.03.2019**

Malkeet Singh @ Nawab

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Kunal Vinayak, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.81 dated 13.10.2016 registered under Section 307 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Mehta, Amritsar. Earlier petition was dismissed as withdrawn on 12.03.2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.10.2016 and his co-accused, namely, Bikramjit singh @ Bikka has been released on regular bail. Learned counsel further submits that no offence under Section 307 IPC is made out against the petitioner and it is a case of no injury. Learned counsel also submits that out of total nine prosecution witnesses, only one witness has been examined.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail but has opposed grant of

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regular bail to the petitioner on the ground that offence under Section 307 IPC is there and injury is not necessary for attracting Section 307 IPC. Learned State counsel further submits that recovery was effected from the petitioner. Learned State counsel also submits that 13 more cases are also there against the petitioner whereas learned counsel for the petitioner submits that either the petitioner has been acquitted or is on bail in other cases.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and by considering the custody since 17.10.2016; co-accused, namely, Bikramjit Singh @ Bikka has been released on regular bail; out of total 9 prosecution witnesses, only one witness has been examined; complainant is the Police official and there is no possibility of influencing the witnesses or tampering with the record; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Malkeet Singh @ Nawab) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

18.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No