

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

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CRM-M No.49422-2018

Date of decision:17.12.2019.

Malkit Singh alias Nawab

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.127 dated 10.08.2016, registered under Sections 364, 302, 148, 149 IPC (Sections 473, 120-B IPC added subsequently) and Section 25 of the Arms Act, at Police Station Sadar, Tarn Taran, District Tarn Taran.

Heard.

Present FIR was registered on the statement of Gurjit Kaur wife of Dilbagh Singh. As per the complainant, gang of Davinder Singh alias Davinder Shooter took Dilbagh Singh husband of complainant with them on 08.08.2016. As per the supplementary statement suffered by her on 15.9.2016, the petitioner was also with Davinder Singh alias Davinder Shooter when Dilbagh Singh was taken away, whereas the petitioner is not named in the FIR and his name surfaced only in the supplementary statement recorded after 36 days of incident naming 5 more persons including the petitioner.

Learned State counsel has argued that there are two gangs, one headed by Davinder Singh alias Davinder Shooter and another by Bobby Malhotra. Dilbagh Singh was taken away from his house by Davinder Singh alias Davinder Shooter and member of his gang including the other co-accused. He further states that there are 12 FIRs registered against the petitioner.

Learned counsel for the petitioner pointed out that the petitioner has been in custody since 20.10.2016. Co-accused Ranjodh Singh alias Sunny Yahma has been granted concession of regular bail by the Coordinate Bench of this Court on 22.10.2018. Learned counsel further states that the complainant has also resiled from her statement.

Keeping in view the above, the petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c) He shall not leave the country without prior permission of the Court.

(HARNARESH SINGH GILL)
JUDGE

17.12.2019
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