

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

207

CRM-M-4753-2020

Date of decision : 12.06.2020

Malak Singh

Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent-State.

Mr. Partap Gill, Advocate for
the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present petition under Section 439 of the Cr.P.C. for grant of regular bail to him in case FIR No.213 dated 20.03.2019 registered under Sections 148, 149, 307, 323, 325, 506 of the Indian Penal Code, 1860, Sections 25, 54 of the Arms Act, 1959 and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Assandh, District Karnal.

The above-said FIR was lodged by John Balmik on the allegations that Balbir Singh had employed them for management of orchard/land of Murti Devi. On 20.03.2019, Sher Singh, Happy, Khush Babbar, Kiran Babbar and about 30/32 unknown persons attacked and fired on them. FIR No.752 dated 01.09.2018 under Section 408, 420, 467, 468, 471, 506 and 120-B of the IPC was registered and the accused of the above-said FIR were bailed out after custody of about two months. He, Naresh, Pardeep, Balbir Singh, Lovepreet Singh and Balbir Singh s/o Gurdiyal Singh were present in the orchard. Accused

Sher Singh and his companions attacked and caused injuries to them on their legs, arms and head with lathis and dandas. Injuries were caused on his legs, head and other parts of his body. Injuries resulting in fractures were also caused to Pardeep, Naresh, Balbir and Lovepreet. When they raised alarm, the accused fled away from the spot by firing gun shots and fire arm injuries were suffered by Naresh, Pardeep and the complainant. The occurrence was recorded in CCTV cameras. Accused Sher Singh and others also criminally intimidated them by threatening to kill them.

The petitioner, who is in custody since 25.11.2019, has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the same.

Learned Counsel for the complainant has filed copies of photographs, complaints against the petitioner and co-accused and status quo order in favour of the complainant through e-mail which are taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR and has been falsely implicated in the case on the basis of disclosure statement made by the co-accused. There are no specific allegations against the petitioner and injury declared to be dangerous to life is not attributed to him. Co-accused Sunil, Rahul @ Sonu and Kiran Pal Babbar have been granted bail by the Coordinate Benches of this Court. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that as per the CCTV footage the petitioner was armed with Pharsa. The petitioner actively participated in committing heinous offences and does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity of his case with that of co-accused Sunil, Rahul @ Sonu and Kiran Pal Babar who have been granted bail by the Coordinate Benches of this Court and the fact that trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-Malak Singh is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.06.2020

Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No