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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.41967 of 2020 (O&M)
Decided on: 16.02.2021

Amit Malik @ Bhura

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.158 dated 28.04.2017, for offence punishable under Sections 302, 34, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), Sections 25 and 27 of the Arms Act registered at Police Station Zirakpur, District S.A.S. Nagar, Mohali.

Counsel for the petitioner has relied upon the orders passed by this Court vide which the accused namely Sushil Malik, Narinder Mandhok and Rohit Mandhok, who have been granted the concession of bail primarily on the ground that they were involved under Section 120-B IPC.

A perusal of the report submitted by the trial Court show that though on an earlier occasion, a direction was issued to conclude the trial, within a period of 09 months vide order dated 26.02.2020, however, the Court could examine only 03 witnesses due to COVID-19

CASE HEARD THROUGH VIDEO CONFERENCING

situation in the country and for the reasons that the accused who are in custody were not produced by the Jail Authorities and even the accused, who were on bail were not appeared before the trial Court and therefore, the case is now fixed for 17.02.2021 for recording the prosecution evidence.

Counsel for the State has filed the affidavit of the Investigating Officer and as per the reply, the son of the complainant Mahavir Prasad namely Ajay Jain, was killed by hiring contract killers i.e. the petitioner and his accomplices.

A perusal of the affidavit, however, show that the petitioner stands convicted in 05 FIRs shown in Para No.13 at serial numbers 1, 2, 4, 5 and 6 and is also involved in some more FIRs registered at Uttar Pradesh *qua* which the details is not available.

In view of the antecedents of the petitioner, I find no ground to grant the concession of regular bail to the petitioner.

The petition is dismissed, accordingly.

However, the trial Court is directed that in case the accused, who are on bail failed to appear on the next date of hearing, before the trial Court, their bail/surety bonds should be forfeited immediately as if their bail application stands dismissed by this Court.

The trial Court will make all the endeavour to conclude the trial in compliance of the earlier orders.

(ARVIND SINGH SANGWAN)
JUDGE

16.02.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No