

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

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CRM-M-48046-2021

Date of Decision: 23.11.2021

Malkeet Singh @ Malkiat Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Keshav Pratap Singh & Mr. Anmol Puri, Advocates,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Sudhir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.11 dated 26.01.2020 at Police Station Rori, District Sirsa, under Sections 302/341/34 IPC.
2. The FIR in the instant case was lodged on the statement of Balwinder Singh (brother of deceased Sukhwinder Singh) wherein it is alleged that on the night intervening 25/26.01.2020, when he alongwith his brother Sukhwinder Singh (deceased) alongwith his friend Sukhdeep @ Sippa were returning home after attending a *Jagran* of Baba Ramdev, they were waylaid by Malkiat Singh, Nishan Singh, Manak, Amar Lal, Gill, Sukha, Gurpreet alongwith 8-10 unknown persons, who were carrying weapons like '*kappa*', '*gandasi*', 'swords' and 'rods' in their hands. The said persons

attacked complainant's brother Sukhwinder Singh with their weapons on his face, mouth, hands and feet. Although, the complainant and his friend tried to rescue Sukhwinder Singh but they could not rescue him. Sukhwinder Singh fell down on account of the injuries sustained by him and ultimately succumbed to his injuries, though he had been taken to hospital.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant – Balwinder Singh stepped into the witness-box, he has not supported the case of the prosecution at all. Learned counsel in this regard has drawn the attention of this Court to the statement of PW-1 Balwinder Singh (Annexure P-4), wherein he has not identified the petitioner to be the assailant and was declared hostile.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and some of the eye-witnesses are yet to be examined, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the complainant, who is an eye-witness also, has not supported the case of the prosecution at all and while also noticing that the petitioner has been behind bars for the last about 1 year & 10 months and otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition,

as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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