

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

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**CRM-M-22049-2022 (O&M)
Date of Decision: 09.12.2022**

Malkit Singh @ Laddu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amitabh Tewari and Mr. Satvik Bansal, Advocates,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Salwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.75 dated 27.05.2021 at Police Station City Patti, District Tarn Taran, under Sections 302/307/34 IPC and Section 25/27 of the Arms Act (Sections 212/216/148/149/120-B/201 IPC added later on).
2. The case of the prosecution, in nutshell, is that on 27.05.2021 ASI Hira Singh, who was on duty near Baba Bahol Shah Peer Di at Nadohar Chowk, Patti, came across a gathering and found that two bullet-ridden bodies were lying on the road. One person from the said gathering informed that the said bodies are of Amandeep Singh and Prabhjit Singh and that another of their companion, namely, Shamsheer Singh had also been injured due to gun-shot, who had been taken to hospital. It was informed that 2 unknown persons had shot and killed the aforesaid Amandeep Singh and Prabhjit Singh and had injured their companion Shamsheer.

3. It is further the case of the prosecution that on 30.05.2021, the petitioner suffered a extra judicial confession before Lovepreet Singh to the effect that he at the instance of his friend Lakhbir Singh @ Landa, who is presently in Canada, had got Amandeep Singh and Prabhjit Singh murdered through Preet Sekhon and his accomplice and that Shamsher Singh had also been injured.
4. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and even as per the case of the prosecution, he is not amongst the assailants, who had fired at the deceased or had injured Shamsher Singh @ Shera and that the only role attributed to him is that he had conducted *recce* of the area where the occurrence had taken place.
5. Opposing the petition, learned State counsel submitted that the petitioner had played a pivotal role in passing on vital information as regards movement of the deceased which enabled the co-accused to murder Amandeep Singh and Prabhjit Singh (deceased) and injure another person namely Shamsher Singh. Learned State counsel has also submitted that the petitioner stands involved in 4 other cases including a case registered for an offence under Section 379 IPC and also for an offence under NDPS Act and as such, he being a habitual offender does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 6 months. Learned State counsel has also informed that in the present case charges are yet to be framed and as many as 56 PWs have been cited.

6. This Court has considered rival submissions.
7. Admittedly, the petitioner is neither named in the FIR and not even stated to be the one, who had fired at the deceased. The State has filed its reply. The relevant para from the said reply i.e. para 17 is reproduced as under:

“17. That as far as role of the petitioner is concerned, the petitioner in connivance with the co-accused persons were performing *recce* of the deceased and sharing the information to his handler in Canada namely Lakhbir Singh @ Landa who further had hired gangster namely Preet Sekhon and others to execute the killings of the deceased. As such, he has committed heinous crime in connivance with the co-accused persons. Moreover, the offence which is committed by the petitioner is not against any individual person rather same is offence against society hence the petitioner is certainly not entitled to concession of regular bail.”

8. A perusal of the aforesaid para clearly shows that the petitioner had conducted *recce* of the area and is not alleged to have fired at the deceased. The petitioner otherwise has been behind bars since the last about 1 year & 6 months. The conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date and as many as 56 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. Without commenting anything as regards merits of the case, the petition 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.

09.12.2022

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(GURVINDER SINGH GILL)
JUDGE