

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

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**CRM-M-32951-2022 (O&M)
Date of decision: 12.12.2022**

Balkaran Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SPS Sidhu, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

Mr. Rhythem Bajaj, Advocate for
Mr. Sudhanshu Khann, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.172 dated 22.10.2020, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, under Sections 302, 120-B, 148, 149, 473 and 212 IPC and Sections 25 and 27 of the Arms Act, 1959.

As per the case of the prosecution, three persons came in a swift car and given fire shot injuries to the husband of the complainant but the petitioner was not stated to be one of them. Later on complainant-Rajbir Kaur and her mother-in-law, in their supplementary statements named the petitioner and Balwinder Singh @ Minkal Bajaj, that they were the persons who have made threatening calls.

Learned counsel for the petitioner contends that the above-noted FIR was got registered on 22.10.2020 against some unknown persons. He further contends that on 24.10.2020, the complainant got her supplementary

statement recorded that when she along with her husband (since deceased) was going in the car to take medicines, her husband received a call from one of the assailants, which he had taken on speaker mode, and the said assailant had threatened to kill her husband. Her husband also told her that there was a rival group, which used to threaten to kill him.

Learned counsel further contends that the petitioner was arrested on 24.05.2022, but prior to the same, no efforts had ever been made to arrest him or raid his house; that no specific injury has been attributed to the petitioner and that the complainant and the mother of the deceased (mother-in-law of the complainant) have sworn affidavits that they had never disclosed the name of the petitioner being an assailant to the police. Balwinder Singh @ Minkal Bajaj, has already been discharged and the petitioner is on the same footings.

Learned counsel appearing for the complainant does not dispute the factum of execution of aforesaid affidavits by the complainant and her mother-in-law.

Learned State counsel, while vehemently opposing the prayer for bail, submits that there are serious allegations against the petitioner and during investigation the complainant in her supplementary statement stated that the murder of her husband is a result of gang rivalry. The deceased was murdered in the day light. However, he does not dispute the custody period of the petitioner. He submits that the challan has been presented and the prosecution witnesses are yet to be examined. As far as other cases against the petitioner are concerned, in two cases he stands acquitted and in one case is on bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.05.2022. As per the prosecution, the petitioner and Balwinder Singh @ Minkal Bajaj, were named by the complainant and her mother-in-law in their supplementary statements but the complainant and the mother of the deceased (mother-in-law of the complainant) have sworn affidavits that they had never disclosed the name of the petitioner being an assailant to the police and on the basis of which Balwinder Singh @ Minkal Bajaj has been discharged. The facts of execution of affidavits by the complainant and the mother of the deceased, is not disputed by the learned counsel appearing for the complainant. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.12.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No