

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

219

CRM-M-43302-2021

Date of Decision : **August 03, 2022**

MALKIAT SINGH ALIAS SONU BHAIYA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. V.K.Kaushal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.105 dated 3.9.2020 under Sections 451, 392, 506, 34 IPC and Section 25 of Arms Act, registered at Police Station D Division, District Amritsar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 6.11.2020 and the prosecution has already examined the material witness who is the complainant in the present case. He submitted that the entire FIR is based upon the complaint of the complainant who has alleged that two persons came to the shop and took away Rs.1,50,000/- on gun point and he himself has not supported the prosecution version. He further submitted that considering the long custody of the petitioner and the aforesaid facts, the petitioner may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 6.11.2020 which is almost one year and eight months and it is also correct that the

complainant did not support the prosecution version. He has, however, opposed the grant of regular bail to the petitioner on the ground that he is involved in 4 more cases.

I have heard the learned counsels for the parties.

The petitioner is in custody from 6.11.2020 which is almost one year and eight months. As per the learned counsels for the parties the entire prosecution story rests upon the complaint of the complainant who had alleged that two persons came to the shop and took away Rs.1,50,000/- on the gun point. However, no injury has been caused to anybody. The said complainant has also been examined and he has not supported the prosecution version and has been declared hostile.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

August 03, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No