

(211) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41755-2022
Date of Decision: 16.09.2022

MALKIT SINGH @ BILLA

... Petitioner

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.233 dated 16.11.2021 (Annexure P-1) registered under Sections 364, 148 and 149 of IPC and Section 25 of the Arms Act, 1959 with the Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

2. The brief facts of the case are that secret information was received by the Investigating Agency that Lovely son of Sarabjit Singh and Sanju son of Vinod had been abducted by five persons in a Swift car and two on a bullet motorcycle all of whom were armed with revolvers and *Datars*. Two of the accused were named as Baljinder Singh son of Ajit Singh and Amanpreet Singh @ Aman son of Bira Lal. Subsequently, during the course of investigation the names of the other accused including the petitioner were brought forth.

3. The learned counsel for the petitioner contends that the petitioner has been in custody since 22.04.2022 and the challan already stands presented. He has been named in the disclosure statement of his co-accused, which has little evidentiary value. Even otherwise, the two purported victims of the occurrence namely, Lovely and Sanju have furnished affidavits dated 05.07.2022 (Annexures P-1 and P-2) respectively that they had not been kidnapped. He thus, contends that he be granted the concession of regular bail, moreso, when none of the 15 prosecution witnesses have been examined so far.

4. On the other hand, the learned State counsel contends that the petitioner has criminal antecedents and therefore does not deserve the concession of regular bail. He refers to FIR No.106 dated 16.11.2021 registered under Sections 307, 323, 341, 506, 148 and 149 of the IPC at Police Station Rangar Nangal, Batala, District Gurdaspur and FIR No.315 dated 27.12.2021 registered under Sections 399 and 402 of IPC and Section 25 of Arms Act, 1959 at Police Station Chheharta, Amritsar.

5. Mr. Sandeep Godara, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record. He contends that he would have no objection, if the petitioner is granted the concession of regular bail as the present FIR is an outcome of misconception.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has not named in the FIR but in the disclosure statement of his co-accused. It appears that the matter has been compromised because of which affidavits dated 05.07.2022 (Annexures P-1

and P-2) have been furnished by the aggrieved persons. In the two other FIRs registered against the petitioner, he has been granted the concession of regular bail vide order dated 16.05.2022 passed in CRM-M-14723-2022 and order dated 22.12.2021 passed by the learned Additional Sessions Judge, Gurdaspur. The same are taken on record and marked as 'X' and 'Y'. None of the 15 prosecution witnesses have been examined so far and therefore, the trial of the present case is not likely to be heard in the near future. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Malkit Singh @ Billa son of Wassan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.09.2022

JITESH

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