

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-42993 of 2022
Date of Decision:22.09.2022

Kamaldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Charanpal Singh Bagri, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.105 dated 03.09.2020, under Sections 451, 392, 506, 34 IPC and Section 25 of the Arms Act, registered at Police Station Division-D, Amritsar.

It has been submitted by Mr. Bagri, learned counsel for the petitioner that the petitioner is in custody from 09.11.2020 which is almost 1 year and 9 months. He submitted that it is a case where the allegations were that two persons entered in the shop of the complainant and looted Rs.1,50,000/- on gun point, but at the time of trial when the complainant had deposed before the trial Court he did not himself support the prosecution version and was declared hostile. He further submitted that the other co-accused, who is at parity with the present petitioner,

namely Malkiat Singh @ Sonu Bhaiya has already been granted bail by this Court in CRM-M-43302 of 2021 on 03.08.2022. He has also submitted that although the petitioner is involved in some more cases but his involvement is based upon the malafides of the police officials including high rank officers and regarding which he has given complaints at various levels and in some of the cases he has already been acquitted since there was a false implication. Therefore, the petitioner may be considered for grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody from 09.11.2020 and the complainant and some of the other material witnesses have been examined and the complainant has turned hostile since he did not support the prosecution version. He further submitted that it is also correct that the other co-accused namely Malkiat Singh @ Sonu Bhaiya has been granted bail by this Court in CRM-M-43302 of 2021 on 03.08.2022 vide Annexure P-7 and the petitioner is at parity with the aforesaid co-accused. He has however opposed the grant of bail to the petitioner on the ground that the petitioner does not have good antecedents since he is involved in number of cases.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about 1 year and 9 months. The material witnesses have already been examined including the complainant, who according to the learned counsels for the parties has not supported the prosecution version and the subject matter of the theft in the present was only Rs.1,50,000/-.

In view of the aforesaid facts and circumstance, this Court deems it fit and proper to grant the bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No