

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12173-2022

Date of Decision: 24.4.2023

Malkeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.24 dated 18.3.2020 registered for the offences punishable under Sections 302, 307, 336, 450, 427, 506, 148, 149 IPC and Sections 25, 27, 29 of Arms Act at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

As per allegations recorded in the FIR, co-accused Lakha Singh accompanied by Amrit Pal Singh, Sahil and petitioner-Malkeet Singh and other persons trespassed into the house of complainant-Amarjit Singh and they all started firing and some of the shots hit Jasbir Kaur mother of the complainant and even aunt of the complainant namely Narinder Kaur also sustained firearm injury. Later on, Jasbir Kaur died. During investigation, the petitioner and other-accused were arrested. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last 1 year

and 11 months.

Counsel for the petitioner *inter alia* contends that the petitioner was falsely implicated in the present case and was arrested on 13.5.2021 and during investigation, no firearm or any other objectionable article was recovered from possession of the petitioner. He further submits that while appearing in the witness box, complainant-Amarjit Singh and injured eye witness Narinder Kaur have not deposed anything incriminating against the petitioner and copies of their testimonies are Annexures P-4 and P-5. He further submits that in the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period and it will take considerable time for trial to conclude.

Present petition is resisted by the State counsel, who on instructions from ASI Sarwan Singh, submits that the petitioner was specifically named in the FIR and he was member of unlawful assembly which had trespassed into the house of complainant-Amarjit Singh and caused fatal injury to Jasbir Kaur mother of the complainant and even Narinder Kaur aunt of the complainant also suffered firearm injury at the hands of the accused party including the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 1 year and 11 months and during investigation, no firearm or incriminating article was recovered from his possession. State counsel has also not disputed the fact that while appearing in the witness box, complainant-Amarjit Singh and injured eye witness Narinder Kaur have not stated anything against the petitioner.

I have considered the submissions made by the counsel for the

parties.

In view of above, as the material witnesses namely complainant Amarjit Singh and injured eye witness Narinder Kaur, have not supported the case of the prosecution against the present petitioner and the fact that the petitioner is in custody for the last more than 1 year and 11 months and that conclusion of the trial will take considerable time to complete, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 24, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No