

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-48747-2022
Date of Decision: 19th July, 2023

Malkit Singh @ Tunda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

 Mr. H.S. Sitta, Deputy Advocate General, Punjab.

 Mr. B.D. Sharma, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
201	13.10.2016	Sadar, District Police Commissionerate Amritsar	302/307/148/149 /212/216 IPC, 1860 and 25 of Arms Act, 1959

2. The FIR was registered at the instance of Babbal Joseph. As per the allegations on 13.10.2016 the complainant along with his son-Sagar (deceased) while coming home were surrounded by Malkit Singh @ Tunda (petitioner), Satyajit @ Sapela, Dharma @ David, Jainty, Raja @ Dilbagh, Amit Kumar @ Meeta. Amit Kumar fired a shot in the head of Sagar. The role attributed to the petitioner is that he raised *lalkara*.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 15.4.2017, there is no progress in trial and no injury has been attributed to the petitioner. He further submits that it is a case of false implication and the complainant subsequently made supplementary statement naming Lal Singh @ Lali and Manjinder Singh @ Goldy.

4. Learned State counsel on instructions opposes the prayer however, fairly submits that out of fifty prosecution witnesses only two have been examined. He is not disputing the fact that the role attributed to the petitioner is of raising *lalkara*. He submits that the petitioner has criminal antecedents and is involved in twelve more cases.

5. Learned counsel for the complainant vehemently opposes the prayer and submits that the petitioner was present at the time of incident and raised a *lalkara*.

6. Learned counsel for the petitioner points out that the petitioner is on bail in all other cases.

7. *Albeit* the petitioner was specifically named in the FIR it is not being disputed that role attributed to the him is of raising *lalkara*, he had not inflicted any specific injury to the deceased, petitioner has suffered incarceration for six years, there is no decent progress in trial as out of fifty prosecution witnesses only two have been examined which itself indicates that conclusion of trial is likely to take time and the petitioner is in custody since 15.4.2017, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
10. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

19th July, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No