

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46789-2022

Date of Decision: 2.5.2023

Malkit Singh alias Tunda

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Harkanwar Jeet Singh, 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.787 dated 17.12.2016 registered for the offences punishable under Sections 397, 506, 34, 394 IPC and Section 25 of Arms Act at Police Station Civil Lines, District Police Commissionerate Amritsar.

2. The allegations in nutshell are that petitioner, Amit Meeta and one another unidentified young boy came near the complainant who was closing his shop and all three of them snatched ₹ 7000/- after causing firearm injury to the complainant and then fled away from there.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is in custody for the last more than 5 year and 11 months and during trial, the complainant and other material witnesses failed to identify the petitioner and copies of their depositions are

Annexures P-2 to P-4. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the petitioner along with his companions caused firearm injury to complainant/Rinku Gulati and snatched ₹ 7000/- from him. However, State counsel on instructions from ASI Paramjit Singh has not disputed the fact that the petitioner is in custody for the last more than 5 year and 11 months and during trial, the complainant failed to support the case of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, it will take considerable time for the trial to conclude as till date, only 12 witnesses are examined out of total 24 witnesses on behalf of the prosecution. Further, it appears that the complainant-injured while appearing in the witness box has retracted from his previous statement. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, 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

May 2, 2023
Paritosh Kumar

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