

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Neutral Citation No. 2023:PHHC:049663

CRM-M-56777-2022

Date of Decision: April 11, 2023

Malkit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Jasmeet Singh Ghuman, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit of Sukhninder Singh, Deputy Superintendent of Police, Sub Division, Bholath, Kapurthala, has been filed on behalf of the respondent along with statements of Rohit, Lovepreet and Amarpreet under Section 161 Cr.P.C.

2. Arguments heard.

3. Petitioner is praying for grant of regular bail in case FIR No.20, dated 14.02.2022, registered at Police Station Subhanpur, District Kapurthala, under Sections 302, 307, 341, 427, 201, 148 and 149 of IPC.

4. FIR was lodged on the statement of Amandeep Singh S/o Harpreet Singh, as per which on 14.02.2022, he had gone to attend the wedding of co-villager Sukhvir Singh. At about 4.30 p.m., he noticed two boys, namely, Rohit and Lovepreet were being beaten by three other boys, namely Manpreet, Jashan and Balraj and one more boy of village Bamuwal (later on identified as petitioner Malkit Singh). As complainant asked them not to fight as wedding was getting spoiled, Jashan, Manpreet and Balraj hit iron bangles on his head. He telephonically called his uncle Manpreet Singh @ Whisky, who came in his Maruti car

and took him along with Rohit and Lovepreet to the hospital. However, on the way near Nadala chowk, Balraj, Manpreet @ Manna, Jashan @ Neri, Malkiat singh @ Landi, Heera and Karan and some unknown boys waylaid them and surrounded the car. They were wearing iron bangles and broke the glass of the car and brought them outside the car and started beating them with iron bangles. It was further submitted that Balraj Singh and Heera started beating his uncle Manpreet Singh @ Whisky and that Balraj Singh with full force gave a blow with iron bangles on the left cheek of his uncle under the eye, due to which he became unconscious. All the assailants started kicking him, threw him on the ground and attacked on him with iron bangles. Balraj and Heera also gave blows on his head with iron bangles and Karan gave beatings to him, whereas Manpreet Singh twisted the little finger on his hand, which was broken. They also gave beatings to Rohit and Lovepreet. They raised alarm. People gathered and assailants fled away.

5. Manpreet Singh @ Whisky expired during treatment. Necessary investigation was carried out, during which statements of injured were recorded. After investigation, final report under Section 173 Cr.P.C. was filed to prosecute the petitioner Malkit Singh and five others.

6. It is submitted by the petitioner that no specific role is attributed to him; that he is not even named in the FIR and that he is in custody for the last one year and so he be allowed regular bail.

7. On the direction of this Court, State has placed on record the statements of injured Amandeep Singh, besides that of injured Rohit and Lovepreet in order to see that any specific role is attributed to the petitioner. It is revealed that Rohit disclosed that petitioner along with

others stopped the car and had broken the glass of the car with iron bangles and took the complainant party out of the car and started giving beatings to them. Similar is the statement made by Lovepreet and Amandeep Singh.

8. It is contended by learned State counsel along with counsel for the complainant that prosecution is being sought with the aid of 149 IPC and therefore, once it is found that petitioner is the member of the unlawful assembly along with other co-accused, he does not deserve concession of bail having regard to the gravity of the offence.

9. As per custody certificate placed on record by learned State counsel, petitioner has undergone custody of 1 year and 1 month.

10. No specific role is attributed to the petitioner. He was later on identified to one amongst the assailants. Although the role of other co-accused is specifically attributed in the FIR and the statements of witnesses, but not so in respect of petitioner Malkit Singh. Trial is likely to take time.

11. Having regard to the aforesaid facts and circumstances, but without commenting further upon the merits of the case, petitioner is admitted to bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

April 11, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No