

208

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

CRM-M-35832-2022

Date of Decision:31.01.2024

Malkeet Singh alias Nawab

...Petitioner

VS.

State of Punjab

...Respondent

**Coram : Hon'ble Mr. Justice N.S. Shekhawat**

Present : Mr. A.P.S. Sandhu, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.18 dated 01.04.2022 registered under Sections 307 of IPC and Section 25 of Arms Act, 1959 (Sections 353, 186, 506 of IPC and Sections 54, 59 of Arms Act, 1959 added lateron), at Police Station Mehta, District Amritsar Rural.

2. As per the case of the prosecution, on 01.04.2022, a police team headed by ASI Gopal Singh had set up a naka at Bridge of Chananke Drain. A person was seen coming and he was signalled stop by the police officials. However, instead of stopping his vehicle, the petitioner took out his pistol and fired towards the police with an intention to kill them. When the police tried to apprehend him, he left the motorcycle at the spot and run away towards Chananke. ASI Kamalbir Singh identified him as Malkeet Singh alias Nawab i.e. the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by the police as he was an accused in 7 other cases. He further submits that as per case of the prosecution, the petitioner had fired at the police party, but no police official had suffered any injury. Learned counsel further contends that the petitioner was arrested in the present case on 02.04.2022. However, no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time. Learned counsel further submits that even though 20 more cases were ordered to be registered against the petitioner, however, the petitioner has been acquitted in 11 cases and he is on bail in 5 other cases.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground the petitioner is a habitual offender and serious allegations have been levelled by the complainant against him. Consequently, the petitioner is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 02.04.2022 and no witness has been examined so far, which is violative of Article 21 of the Constitution of India. Apart from that, the petitioner has already been acquitted in 11 cases and is on bail in 05 other cases. Even otherwise, in the present case, no person had suffered any injury and keeping in view the period of custody, the petitioner is entitled to be released on bail.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1<sup>st</sup> Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1<sup>st</sup> Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

(N.S.SHEKHAWAT)  
JUDGE

31.01.2024  
hemlata

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