



CRM-M-53865-2024

1

222

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

CRM-M-53865-2024

Date of Decision : **05.11.2024****MALKEET SINGH ALIAS MALKIAT SINGH ALIAS LADDU**

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.249, dated 05.06.2023, under Sections 323, 324, 427, 445, 506, 148 and 149 of IPC, 1860 (Sections 307 and 325 IPC added later on), registered at Police Station Sirsa Sadar, District Sirsa.

2. The prosecution agency was set into motion on a statement made by one Gurjant Singh. The relevant extract of the FIR reads as under:-

“.....Stated that I am resident of the abovementioned address and I do agricultural farming. Yesterday, on 04.06.2023, I had reached my home at 5-30 P.M. after working in my field, when at 6:00 P.M. my brother Nepal Singh's phone call was received that our rasta which is going on from 25-30 years, that our rasta is being ploughed by Nasib Singh and Jaspal Singh sons of Nishan Singh and both of their sons and 5-6 other men. At that very time I had dialed 112 and I and my



CRM-M-53865-2024

2

father were about to go to our field and I had got off my father near Village Ragdi and I had gone in the field. When I had reached the field then my brother was thrown down and injuries were being inflicted to him. That Jaspal Singh had kapa, Nasib had gandasi and one had rifle in hand and the remaining men had rods and dandas. When I had reached there on my tractor then aforesaid Nasib and Jaspal and 3-4 boys had attacked on my tractor, due to which my tractor had got damaged a lot and I had gone in my dhani on being nervous. That after some time talking along Dial-112 my father Baljinder Singh had brought them on the scene of crime, on seeing whom, all the aforesaid accused on their respective vehicles tractor John Deere, Holland Jeep and one Verna vehicle No. 6767 along with their respective weapons had sped away from the scene of crime and while going they had said that 'we have killed your brother...in future if you come on this rasta then you will also be killed'. That after sometime my taya ji Darbara Singh had reached the scene of crime. I and my taya ji had picked up my brother Nepal Singh, taken him in my Bolero vehicle and had got him admitted in Government Hospital, Sirsa, from where the doctor, after administering first aid, had referred my brother. Earlier also, on 23.05.2023, they had caused injuries to me, I have danger of my life from them. Strictest legal action may be taken against aforesaid Nasib Singh, Jaspal Singh, their sons and other persons. I have got written my statement to you, heard and found to be correct. SD/- Gurjant Singh,.....”

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, submits that the main accused-Jaspal Singh *alias* Rana, to whom the injury is attributed, inasmuch as grievous injury, which was subsequently declared as dangerous to life, thereby, attracting the penal provisions of Section 307 IPC, has already been extended the relief of regular bail by a co-ordinate bench of this Court while drawing an order dated 27.09.2024 (Annexure P-2).

4. He further submits that similarly situated co-accused namely Mandeep Singh, has also been granted the relief of regular by the learned Additional Sessions Judge, Sirsa, vide order dated 12.12.2023 (Annexure P-11), and another co-accused-Naseeb Singh, has been extended by the relief of anticipatory bail vide order dated 22.11.2023 (Annexure P-12) by same court.

**CRM-M-53865-2024**

3

5. He also submits that the petitioner is on better footing from his co-accused, who have already been granted bail, as he has neither been named in the FIR, nor any role has been attributed to him.

6. He in addition submits that the name of the present petitioner was surfaced during the course of investigation only. The petitioner has suffered incarceration of about 7 months, as on today. The final report in the instant matter, has already been presented, and the prosecution has cited a total of 23 witnesses.

7. *Per contra*, the learned State counsel, who is in receipt of advance notice, has filed a custody certificate *qua* the petitioner today in Court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 06 months and 22 days, as on today, and he is not involved in any other criminal case.

8. He, on instructions imparted to him by the police official concerned, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., has already been filed on 17.05.2024, and till date charges have not been framed. In the final report the prosecution has cited total 23 witnesses.

9. He finally submits that some of the accused in the instant FIR are yet to be arrested, therefore, the petitioner may not be enlarged on regular bail.

10. This Court has considered the rival submissions made by learned counsel for the parties, and has gone through the entire case file,

**CRM-M-53865-2024**

4

and is of the considered opinion that the instant petition is amenable for being allowed.

11 The reason for forming the above inference emanates from the factum that:- (i) the petitioner has suffered incarceration of 06 months and 22 days, as on today and has clean antecedents; (ii) the final report under Section 173 Cr.P.C has already been filed on 17.05.2024, and charges are yet to be framed, and there are total 18 prosecution witnesses as cited by the prosecution in the final report; (iii) the co-accused-Jaspal Singh, to whom the specific injury is attributed, thereby attracting the penal provision Section 307 IPC, has already been extended the relief of regular bail by this Court; (iv) no specific injury is attributed to the present petitioner in the instant FIR; (v) no fruitful purpose would be served by keeping the petitioner behind the bars; (vi) trial is not likely to conclude anytime soon.

12. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

CRM-M-53865-2024

5

14. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

15. All pending application(s), if any, also stand **disposed** of accordingly.

November 05, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :

Whether Reportable. :

Yes/No

Yes/No