



CRM-M-64500-2023

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

CRM-M-64500-2023
Decided on : 13.08.2024

Malkeet Singh @ Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.51 dated 16.04.2023 under Sections 379-B, 323, 325, 341, 506, 34 and 201 IPC (Section 307 IPC added later on) registered at Police Station Moonak District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 10.06.2023. Learned counsel further submits that a highly implausible version has been brought-forth in the FIR in question that all the accused, who were armed with lethal weapons, attacked the complainant, as a result of which,



he sustained injuries on his person. Learned counsel has further submitted that it cannot be digested that had the accused indeed been armed with lethal weapons, the complainant would not have escaped with just a few injuries. It has also been submitted that since the injured complainant already stands examined, further incarceration of the petitioner would serve no useful purpose as 24 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not only drawn the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced herein under but has also submitted that a plain reading of the FIR reveals that not only was the petitioner named therein, a specific role too had been attributed to him. It has been further argued that the petitioner was an active participant in the crime in question inasmuch as he inflicted a blow with an iron rod on the forehead of the complainant, which in turn was declared to be grievous in nature and found due corroboration with the medical evidence. Learned counsel has still further submitted that evidently, it was a pre-mediated attack video-graphed by the brother of the complainant, who was present at the place of occurrence; in the video-clip, the petitioner was clearly visible inflicting injuries on the person of the complainant. It has also been submitted that the complainant while testifying before the Trial Court had stood his ground and supported the



case of the prosecution in totality. Learned State counsel, on further instructions, has brought to the notice of this Court that the petitioner is a man of criminal antecedents as he is involved in four other criminal cases. Furthermore, learned State counsel has submitted that two more material witnesses i.e. brother of the complainant and his wife, who too were eyewitnesses to the occurrence in question, have not yet been examined, hence, there is a genuine apprehension, keeping in view the criminal antecedents of the petitioner that he could attempt to intimidate the witnesses and tamper with evidence.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie* it does come across as a pre-mediated attack, which was launched by the petitioner along with the co-accused, who were all armed with lethal weapons. Furthermore, it is a matter of record that the petitioner is a man of criminal antecedents and the petitioner was booked in the present case while he was on bail in the other criminal cases, which stand registered against him. Hence, the petitioner has *prima facie* misused the concession of bail granted to him in the criminal cases registered against him.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.



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7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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