



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

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CRM-M-7061-2025

Date of decision: 13.02.2025

Malkeet Singh @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate with
Ms. Kanica Sachdeva, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.51 dated 16.04.2023 under Sections 379-B, 323, 325, 341, 506, 201, 34 of the IPC (Section 307 of the IPC added lateron) registered at Police Station Moonak, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.06.2023 in a case of false implication. Out of the 25 prosecution witnesses cited only 01, i.e. the complainant, stands examined hence, the petitioner deserves to be enlarged on bail, moreso, when there is no likelihood of the trial concluding in the near future. It has also been contended by the learned counsel that the petitioner has been falsely attributed an injury on the



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head with an iron rod and since the sole material witness i.e. the complainant has already been examined, there can be now no risk of the petitioner intimidating/influencing any of the remaining witnesses.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Malkit Singh, has not disputed the custody period of the petitioner nor has it been disputed that the complainant, who is the sole material witness in the present case, already stands examined. However, it has been submitted that the petitioner was armed with an iron rod with which he inflicted a grievous injury on the forehead of the complainant. In addition, learned State counsel has reiterated the allegations levelled in the FIR in question which stand reproduced hereinunder:-

“Duplicate statement: Chamkaur Singh son of Harnek Singh, resident of Balran, aged about 40 years, M. No 80544-55990, stated that I am a resident of the said address and am engaged in agricultural work. On 15.04.2023 at about 6:20 P.M., I along with my wife Paramjit Kaur on my motorcycle number PB-08-DD-7241 brand Hero silver color were going to Jakhal Mandi to buy household goods. When we went about half a kilometer from village Balran to Jakhal side, from behind us, a car Alto color black got in front of my motorcycle and got out of the car of our own village Balran, Gudda Singh son of Jasvir Singh, Kala Singh son of Bhola Singh, Jasvir Singh son of Gora Singh residents of Balran and Gurlal Singh of Jawahar Wala who is the grandson our village. Abovesaid persons got out of the car and surrounded us, who were holding iron chopper (gandasi) and iron rods in their hands. Gudda abused me and said that today we will teach you a lesson for being a informer. And in no time, Gudda gave blow of iron gandasi held by him in his hand on my left arm. Next blow was given by Gurlal Singh who was standing next to him holding the iron rod in his hand who hit it on my right arm. Then Gudda again hit the iron Gandasi held by him on my right leg. I fell down on ground. While I was lying on ground,



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Jasvir Singh son of Gora Singh hit my left leg with the iron rod held by him in his hand. Second blow was given by Jasvir Singh with the iron rod held by him in his hand on my left foot. Then Gudda took my mobile phone along with the sim from the pocket of my kurta with a force. Then Kala Singh son of Bhola Singh with the iron rod held in his hand hit me on the forehead. At that time, my wife abovesaid Paramjit Kaur raised the alarm by screaming loudly "marta-marta". Due to her screams, the said accused while threatening to kill us ran from the spot in their car along with thei, veapons. Then my elder brother Sukhvir Singh son of Harnek Singh and my nephew Baljinder Singh son of Jasvir Singh reached at the spot and called the government ambulance at the spot by calling number 108. Abosaid two persons and my wife Paramjit Kaur admitted me to the hospital at SDH Moonak, where Dr. Sahib referred me to CH Sangrur after giving me first aid, where my treatment is going on. Legal action should be taken against the said persons. The reason of enmity is that I often come to the police station as a respected person. These abovesaid persons are addicted to consuming and selling drugs and these persons had suspicion that they may be reported in the police station. The above statement has been given, heard and is correct. LTI/Chamkaur Singh abovesaid, verified by SD/- Sukhveer Singh son of Harnek Singh resident of Balran xxxxx”

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

5. The petitioner has been in custody since 13.06.2023. 24 prosecution witnesses still remain to be examined. Therefore, the possibility of the trial concluding in the near future does not arise. The petitioner is not stated to be involved in any other case of identical nature. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the



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satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

13.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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