



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-34575-2025 (O&M)
Decided on: 26.08.2025

MALKIAT SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Verma, Advocate for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 439 of Cr.P.C.) seeking regular bail in case FIR No.111 dated 29.06.2024, under Sections 302, 307, 379-B, 332, 333, 186, 353, 342, 148, 149 and 201 IPC and 25 and 27 of Arms Act, registered at Police Station Dharamkot.

2. Learned counsel for the petitioner submits that the shots were fired by the main assailants, namely Harpreet Singh @ Happy and Dharampreet Singh @ Dharma, who are yet to be arrested. The name of the petitioner does not appear in the FIR, nor there is any specific allegations made against him. The petitioner is in custody since 30.06.2024, and that similar situated co-accused i.e. Manjit Kaur, who is wife of the petitioner has already been granted concession of regular bail by this Court vide order dated 26.05.2025 passed in CRM-M-16095 of 2025 (*Manjit Kaur Vs. State of Punjab*) (Anneuxre P-5).

Furthermore, another co-accused-Paramjeet Kaur has already been concession of anticipatory bail by this Court vide order dated 20.05.2025 passed in



CRM-M-27837 of 2025 (*Paramjeet Kaur Vs. State of Punjab*) (Anneuxre P-6).

Further submits that except present case, there is no other case pending against the petitioner and out of total 55 prosecution witnesses, none has been examined so far.

Therefore, claiming parity, counsel for the petitioner prays for grant of concession of regular bail to the petitioner.

3. On the other hand, learned State counsel opposes the prayer for bail, submitting that the petitioner is involved in a serious offence. Learned State counsel also expresses concern that if the petitioner is released on bail, he may try to influence witnesses or interfere with the trial. However, learned State counsel does not dispute the fact that a similarly placed co-accused, Paramjeet Kaur and Manjit Kaur have already been granted concession of interim anticipatory bail/regular bail, respectively. Even so, the State counsel prays for dismissal of the present petition.

4. Heard learned counsel for the parties and perused the material available on record. It is observed that the petitioner's alleged involvement arises solely from a disclosure statement, which is not admissible as substantive evidence in the eyes of law. Further, considering that the petitioner has been in custody for more than a year, and in the light of parity with the similarly situated co-accused, this Court is of the view that the matter warrants consideration for grant of regular bail. Besides, it is also noticeable that till date no prosecution witness has been examined.

5. This Court is also of the view that petitioner deserves an opportunity to rehabilitate and reintegrate into society. Thus, without making any comments or observations on the quality/standard of the evidence collected by the prosecution, primarily considering the long incarceration and non-examination of the material



witnesses, to the view point of this Court, personal liberty of the petitioner cannot be curtailed for an indefinite period.

6. Considering the aspects and circumstances, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

10. Pending application(s), if any, shall stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

August 26, 2025

Deepak Patwal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*