

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-53690-2024 (O&M)
Date of Decision:- 19.05.2025

MALKEET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Jay Parkash Jangu, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
387	05.12.2023	301, 201 IPC; (34 IPC added later on)	Khol, District Rewari, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR, but has been nominated on the alleged disclosure statement of co-accused Sachin, who has already been granted the concession of bail by this Court, wherein the only role



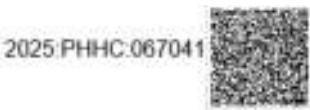
attributed to the petitioner is that he had brought the diesel used in the crime. He submits that challan against the petitioner has already been presented in Court and all the material witnesses have been examined, who have not lent any support to the case of prosecution and have turned hostile. He submits that the petitioner is not having any criminal antecedents, as such, prays for grant of concession of bail to the petitioner.

3. On the other hand, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner is involved in a heinous crime and does not deserve the concession of bail. However, on a query, he has specifically admitted that all the material witnesses have turned hostile and not supported the case of the prosecution.

4. Heard learned counsel for the parties and perused the record.

5. In nutshell, the case of prosecution is registered on the complaint moved by Mamchand Sarpanch to the effect that on 05.12.2023 at about 07:00 AM, he received an information regarding a burnt dead body lying on the kutchha passage of village and on the basis thereof, the matter was reported to the Police and case was registered. During the course of investigation, the police arrested co-accused Sachin on 13.12.2023 and upon his disclosure, arrested the petitioner on the same day. After the completion of investigation, challan was presented in the Court.

6. After considering the rival contentions and perusing the record, it is observed that out of 32 witnesses cited by the prosecution only 07 witnesses have been examined till date by learned trial Court. All the



material witnesses have been examined, who have not lent any support to the case of prosecution against the petitioner and have turned hostile. This fact is also not disputed by learned State counsel. Co-accused Sachin has already been granted the concession of bail by this Court vide order dated 06.03.2025 and the petitioner was nominated in his disclosure statement with attribution that he had brought the diesel. The case rests upon circumstantial evidence and the material witnesses of the prosecution having turned hostile, no purpose would be served by detaining the petitioner any longer. Moreover, the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No