

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-1576 of 2015
Date of Decision : January 29, 2015

Lakbir Singh @ Lakha

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. P.K.S. Phoolka, Advocate

Mr. R.S. Randhawa, Additional A.G., Punjab

Mr. G.S. Sidhu, Advocate
for the complainant.

T.P.S. MANN, J. (Oral)

This is the second petition filed by the petitioner for the grant of regular bail, the first one having been dismissed on 22.8.2014.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 19.9.2013. Complainant Buta Singh and injured Kuldeep Singh @ Malkiat Singh have since appeared before the trial Court as prosecution witnesses. It is also submitted that the petitioner was earlier involved in two criminal cases i.e. FIR No.94 dated 12.8.2006, Police Station Raman under Sections 302/324/354/ 34 IPC and Section 25 of the Arms Act and FIR No.96 dated 15.12.2009, Police Station Sadar, Bathinda under Section 25 of the Arms Act but in both these cases, he has been acquitted by the Sessions Judge, Bathinda on 5.5.2007 and the Additional Chief Judicial Magistrate, Bathinda on 28.5.2014, respecti

vely. In this regard, he has produced the certified copies of the aforementioned two judgments for perusal. It is further submitted that in the present case, the prosecution is yet to

examine more than 15 witnesses. The pace at which the trial is proceeding, it will take a long time before the prosecution is able to examine its entire evidence. Prayer has, accordingly, been made for grant of bail to the petitioner.

Learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer made on behalf of the petitioner by submitting that it was the petitioner, who had given a *kirpan* blow on one of the eyes and ears of Kuldeep Singh @ Malkiat Singh. As a result thereof, the injured has lost vision from one of his eyes. They have, however, not denied the fact that the petitioner stands acquitted in the two other criminal cases which were registered against him earlier. As regards the progress of the trial, they have stated that out of the 24 witnesses cited by the prosecution 5 have already been examined while two given up and now the trial is slated for 5.2.2015 for recording of further evidence of the prosecution.

Without commenting on the merits, lest it may prejudice the case of either party but keeping in view the fact that the petitioner is in custody for the last more than 1 year and 4 months; the complainant and the injured having already appeared before the trial Court as prosecution witnesses; the petitioner stands acquitted in two other cases registered against him; and that the prosecution is yet to examine 17 out of the 24 witnesses cited by it, this Court is of the considered view that the petitioner deserves the concession of bail.

Accordingly, the petition is accepted. Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bathinda.

(T.P.S. MANN)
JUDGE

January 29, 2015
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