

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

Crl.Misc.No.M-26760 of 2014(O&M)

Date of Decision : 10.04.2015

Lakhvir Singh

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. M.S.Sachdev, Advocate for the petitioner

Mr. P.J.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 52 dated 25.5.2012 registered under Sections 302, 341, 323, 324, 506, 148, 149 IPC at Police Station Lohian, District Jalandhar.

The cause of the dispute between the parties was on account of a passage in the agricultural fields. Both the complainant and the alleged aggressors are having land adjacent to each other. According to the FIR number of persons armed with kirpans and other weapons attacked the complainant to cause injuries resulting in death of one person Santokh Singh and numerous injuries to the others.

Learned counsel for the petitioner contends that in so far as present petitioner namely Lakhvir Singh he is in custody since 27.5.2012 and the only role attributed to him is raising a lalkara even though he was armed with kirpan. The fatal blow to the deceased have been specifically attributed to Daljit Singh and Nirmal Singh. It is further stated that all the main accused persons who have been attributed fatal blow were released on

bail in terms of Section 439 Cr.P.C. Besides it is contended that the petitioner also received injuries in the very fight but the police failed to register any case against the petitioner and aggressors.

Be that as it may the fact remains that petitioner has not been attributed any injury to the deceased even though he was armed with kirpan but has been attributed a lalkara. Besides the main accused has been let off on bail on account of the fault of the investigating agencies. Apart from this the petitioner is also in custody since May, 2012 and almost 2 years and 11 months have passed since then.

Taking all the aforesaid facts cumulatively, instant petition is accepted. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

April 10, 2015
rekha

(Mahesh Grover)
Judge