

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

CRM-M No.5777 of 2015 (O&M)
Date of Decision: 10.03.2015

Lakhvir Singh @ Bata

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Inderjit Singh Brar, Advocate
for the petitioner.

Mr. Parupkar Singh Ghuman, Addl. A.G. Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail in FIR No.19 dated 20.01.2014, under Sections 307, 326, 324, 323, 120-B, 148, 149 IPC, Police Station Kotwali, Faridkot.

2. FIR was registered on the statement of Ram Sarup. Allegations have been made that on 13.01.2014, at about 11.00 p.m. complainant along with his family was present in the house and all were enjoying *Lohri* festival. In the mean time, Lakhwinder Singh @ Batta, who is stated to be friend of son of complainant namely Hakumat Sharma, entered the house and enquired about Hakumat Sharma and thereafter took him out side house. When the son of complainant did not turn up, then complainant made

search of him. During the search, when the complainant reached near the house of the accused, then he saw in the light of bulb that Lakhwinder Singh @ Batta was armed with *Kirpan*. Accused Ashok was armed with *Kappa*, and accused Aman Kumar was armed with Gandasi and 7-8 more persons were also found standing duly armed with *Dangs* and *Sotas*.

3. According to complainant, aforesaid Lakhwinder Singh gave *Kirpan* blow on the right side ear of Hakumat Sharma. Co-accused Ashok gave 2 *Kappa* blows on the neck of Hakumat Sharma and Aman Kumar gave *Gandasi* blow to Hakumat Sharma on right side of his forehead. The unknown persons also inflicted injuries with their respective weapons and also by kick blows. On raising alarm, all the accused persons fled away from the spot. On these allegations the FIR came to be registered. According to learned counsel for the petitioner only injury attributed to the petitioner is on the right ear which can not be treated to be sufficient to cause death in ordinary course of nature.

4. As against this, learned State Counsel on instructions from ASI Bakhshish Singh, submits that injured received 10 injuries in all. Injuries No.1 to 9 are collectively opined to be dangerous to life. Injury No.1 is found to be grievous in nature.

5. Petitioner is in custody since 18.05.2014. Out of twenty witnesses, only four witnesses have been examined so far. The applicability of Sections 148 and 149 IPC would be a debatable issue at the time of trial. There is no antecedent behavior of any criminal activity of the petitioner.

6. Taking into consideration all the aforesaid facts, petitioner is admitted to regular bail on furnishing bail bond and surety bond to the satisfaction of the trial Court.

7. Nothing observed hereinabove would be construed to be an expression of any findings of merits.

Disposed of.

10.03.2015

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**[RAJ MOHAN SINGH]
JUDGE**