

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

CRM No. M-25763 of 2016

Date of decision:- October 20, 2016

LAKHWINDER SINGH @ LAKHI

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Gurmohan Singh Bedi, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Shiv Kumar Sharma, Advocate for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Lakhwinder Singh @ Lakhi has sought bail during the pendency of trial, in case FIR No.43, dated 05.04.2016, under Sections 307, 325, 341, 323, 148, 149, 295-A, 201 IPC and Section 25 of the Arms Act, Police Station Dirba, District Sangrur.

2. The allegation against the present petitioner is that he along with some other persons while armed with GANDASI inflicted an injury on the left leg of the complainant whereas his co-accused also caused injuries to him.

3. Concededly, all the three co-accused of the petitioner namely Sukhwinder Singh @ DC, Gurpreet Singh Timkana and Mitha have already

been granted the concession of bail in this case vide different orders. There is also no fire arm injury to attract offence under Section 307 IPC. Moreover, the petitioner surrendered *suo motu* on 18.04.2016. After subjecting him to custodial interrogation, he was remanded to judicial custody, since, then he is cooling his heels behind the bars. On completion of investigation, report under Section 173 (2) of the Code has already been presented in the Court of Id. Jurisdictional Magistrate, disposal of which is likely to take sufficient time.

4. During the course of arguments, learned counsel for the complainant has submitted that there are large number of other cases pending against the petitioner and he is an habitual offender.

5. However, it has been submitted by learned counsel for the petitioner that out of the 10 cases registered against the petitioner, he has already been acquitted in 8 cases, whereas in one case, FIR has been cancelled and in another one, he is on bail.

6. Thus, registration or pendency of other cases is not of much relevance, at this stage.

7. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

October 20, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No