

CRM-M-43237-2017 &
CRM-M-46095-2017

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

(1)

CRM-M-43237-2017
Date of decision:-13.12.2017

Lakhvir Singh @ Lakhi

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-46095-2017

Harnek Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Navjot Singh, Advocate
for the petitioners.

Mr.Kirat Singh Sidhu, DAG, Punjab.

Mr.Keshav Partap Singh, Advocate
for the complainant.

H.S. MADAAN, J.(ORAL)

By this order, I intend to dispose of two petitions i.e. **CRM-M-43237-2017** filed by petitioner Lakhvir Singh @ Lakhi and **CRM-M-46095-2017** filed by petitioner Harnek Singh @ Happy, who are accused in FIR No.37 dated 6.7.2017, under Sections 307, 326, 323, 324, 341, 506 and 34 IPC registered with Police Station City, Banga, District SBS Nagar for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are that FIR in the instant case was registered on the basis of statement of complainant Amarjit Singh son of late Joga Singh, resident of Mazara Nauabad, Police Station Sadar Banga, District SBS Nagar, wherein he stated that on 4.7.2017, while he was going to Banga City on his motorcycle and had reached near bus stand Punia, then he came across Paramjit Singh, Chakki Wala, who offered to get his dispute with Lakhi (Lakhvir Singh), resident of Ambedkar Nagar, Punia, resolved as such the complainant followed Paramjit Singh, who was having a separate vehicle; that when they reached near motor of Paramjit Singh and time was about 7:00 a.m., then Lakhi (Lakhvir Singh) and Happy @ Harnek Singh (petitioners) both sons of Satnam Singh were already standing there carrying iron *datars* and on seeing the complainant, Lakhi raised a *lalkara*. According to the complainant, he tried to run away but was surrounded by the accused; that Happy gave 2-3 blows of iron *datar* to the complainant with an intention to kill, hitting him on back of head above right ear and above left ear; that fourth blow of iron *datar* given by Lakhi hitting the complainant near left ear; that Lakhi had aimed 5th blow of iron *datar* towards the complainant and the complainant brought his left hand to ward off that blow of *datar* hitting him on fingers and thumb of left hand; that in the meanwhile Tejinder, resident of Chak Kalal, who was passing nearby intervened; that then both the assailants caused injuries to him on head with their *datars*; that the injured raised alarm and when the people started gathering there, the assailants ran away along with their respective weapons. The injured were removed to the hospital. Lakhi

(Lakhvir Singh) and Happy @ Harnek Singh (petitioners) were arrested in this case on 7.7.2017. They had moved an application for regular bail in the Court of Sessions, however, the same was dismissed by learned Additional Sessions Judge, SBS Nagar vide order dated 23.10.2017, as such they have approached this Court by way of filing these petitions asking for the similar relief, notice of which has been issued to the respondent – State, which put in appearance through counsel.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant besides going through the record.

Admittedly, there is a counter version of the incident in which the present petitioners had also suffered injuries and with respect to that an entry has been made in DDR at serial No.7 dated 7.7.2017 under Sections 323, 324, 506, 34 IPC. An injury attributed to Harnek Singh has been declared to be grievous in nature, whereas the grievous injury attributed to the other petitioner Lakhi is on the non vital part i.e. hand. It is stated that challan has since been filed and charge has been framed but the trial is yet to begin. The guilt of the petitioners shall be determined during the trial.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

Accordingly, the petitions are allowed. The petitioners namely Lakhi (Lakhvir Singh) and Happy @ Harnek Singh are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial

Court/Chief Judicial Magistrate, S.B.S. Nagar, on following conditions:

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The petitions stand allowed accordingly.

13.12.2017
Brij

(H.S. MADAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No