

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

**CRM-M No.5112 of 2017
Date of Decision: 18.04.2017**

Lakhwinder Ram @ Ajay Kumar and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioners seek regular bail in FIR No.115, dated 07.08.2016, registered under Sections 307, 308, 332, 353, 186, 148 and 149 IPC, at Police Station Rahon, District SBS Nagar.

Seeking regular bail for the petitioners, learned counsel submits that the petitioners have been in custody for the last about 8½ months; whether Section 307 IPC is made out would be debatable as the alleged injury on the head of the complainant is simple and there is only one grievous injury on the wrist; the trial is yet to commence and as there are 17 witnesses cited by the prosecution, the same is not likely to conclude in the near future; there is no other case pending against the petitioners and that they have falsely been implicated by the complainant in connivance with the wife of one of the petitioner, namely, Paramjit Singh.

Learned State counsel opposes the grant of bail on the ground that the petitioners have beaten up police officials in uniform and inflicted 18 injuries.

The petitioners have been in custody for the last about 8½ months; whether Section 307 IPC is made out would be debatable as the alleged injury on the head of the complainant has been declared simple in nature; only one grievous injury is on the wrist; the trial is yet to commence; as there are as many as 17 witnesses cited by the prosecution, the trial is not likely to conclude in the near future; there is no other case pending against the petitioners and whether they have been falsely implicated in the case at the behest of petitioner-Paramjit Singh's wife Balbir Kaur would be deciphered only during the trial.

In view of the above, in my opinion, the petitioners deserve to be admitted to regular bail.

Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioners are found indulging in any other criminal activity/misusing the concession of bail granted to them, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted bail to the petitioners through this order.

April 18, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No