

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

CRM-M No.11831 of 2018

Date of Decision: 13.07.2018

Lakhwinder Singh @ Lakha

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

Mr. G.S. Sidhu, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by accused Lakhwinder Singh @ Lakha under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.162 dated 29.07.2017 registered under Section 306 IPC at Police Station Canal Colony Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he is not connected with the alleged commission of offence.

On perusal of contents of the FIR, the petitioner cannot be said to be involved with the commission of offence as there is no abetment and no offence under Section 306 read with Section 107 IPC is made out against him. Learned counsel also submits that all material witnesses have been

examined and there is no possibility that the petitioner may influence the witnesses. There are total 17 witnesses and only three witnesses have been examined. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner in custody. Learned counsel further submits that co-accused of the petitioner, namely, Makhan Singh has filed **CRM-M No.3574 of 2018** against whom a case under Section 307 IPC is also there like the petitioner, still, he has been released on regular bail by this Court vide order dated 06.03.2018. Petitioner is in custody for the last approximately 11 months.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner but has not disputed the stage of trial as well as custody period. Learned State counsel also submits that the petitioner is a habitual offender as one case under Section 307 IPC is also there against him, wherein, he is not on bail.

Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner by stating that the name of the petitioner was specifically mentioned in the suicide note and it cannot be said to be a case of false implication. He further submits that in case, the petitioner is released on bail, he may influence the other witnesses.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, out of total 17 witnesses, three material witnesses have been examined. The petitioner is in custody for the last approximately 11 months. One more case under Section 307 IPC is also pending against

the petitioner and in case, he is in custody in that case, he cannot come out to influence the witnesses. Moreover, co-accused of the petitioner, namely, Makhan Singh, against whom similar allegations are there and in another case under Section 307 IPC, he has been released on bail vide order dated 06.03.2018 by this Court.

Accordingly, by considering the custody of the petitioner which is approximately 11 months; the examination of material witnesses as well as by keeping in view the parity with co-accused Makhan Singh, the present petition is allowed and petitioner Lakhwinder Singh @ Lakha is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

13.07.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No