

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

CRM-M No.16413 of 2018

Date of Decision: 14.05.2018

Lakhwinder Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Shekhawatj, Advocate with
Mr. Rajiv Sidhu, Advocate
for the petitioner.

Mr. M.D. Sharma, AAG, Haryana.

Mr. Pankaj Jain, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.191 dated 01.05.2016 registered under Sections 148, 149, 180, 323, 302, 506, 427, 120-B IPC and Sections 25/54/59 of the Arms Act at Police Station Pehowa, District Kurukshetra.

[2]. As per allegations in the FIR, on 30.04.2016 at about 6:30 PM, Lovedeep Singh, Kamaljit Singh and Harmandeep Singh after playing volleyball, parked their motorcycles in front of Gaurav Kariyana Store. Kamaljit Singh made a telephonic call to Jagroop Singh i.e. brother of Lovedeep Singh to come to

Navdeep Market, Pehowa. After some time, Jagroop Singh reached there and he also parked his car near Gaurav Kariyana Store. When they were coming out of Navdeep market, three cars i.e. Verna, Innova and Bolero along with 2-3 motorcycles came there. Lakhwinder Singh @ Lakhi and his brother Maan Singh armed with iron rod, Jagmeet Singh and Yadwinder Singh armed with gandasies, Khushwant Singh armed with .12 bore country made pistol, Harshdeep, Maninder Singh, Harmanjit Singh, Jatinder Singh @ Gora, Gopi Hundal, Bhola Gujjar (Randhir), Harjash and Manjot armed with lathies, dandas and sharp edged weapons, alighted from the vehicles. Lakhwinder Singh and Maan Singh raised *lalkara* that they be taught a lesson for previous quarrel. Lovedeep Singh and his companions started running, but jagroop Singh fell down. Maan Singh repeatedly inflicted iron rod blows on the head of Jagroop Singh. In the meanwhile, remaining accused also reached there and started beatings Jagroop Singh with lathies and dandas. Thereafter, 2-3 gun shots were fired by Khushwant Singh. Believing Jagroop Singh to be dead, assailants fled away from the spot.

[3]. As per original version in the FIR, no injuries with gandasies were pleaded on the person of Jagroop Singh. The fatal injuries were attributed to Maan Singh who had repeatedly

inflicted iron rod blows on the head of Jagroop Singh. Remaining accused inflicted injuries with lathies and dandas.

[4]. Learned counsel for the petitioner contended that brother of the deceased i.e. Lovedeep Singh and Maan Singh have not supported the case of the prosecution. Prosecution has also recorded statements of Gaurav, Gurjant and Hanuman. Learned counsel by referring to the statements of the witnesses and the material collected by the Investigating Agency submitted that no firearm was recovered from the petitioner.

[5]. Co-accused Jagmeet Singh has been granted regular bail by this Court vide order dated 21.02.2018 passed in CRM-M No.40869 of 2017. Co-accused Khushwant Singh has been granted regular bail by this Court vide order dated 06.04.2018 passed in CRM-M No.11385 of 2018. In the meantime, Court of Sessions has also granted regular bail to Jatinder Singh @ Gora, Harmanpreet Singh and Gurpreet Singh @ Gopi on 12.03.2018.

[6]. Learned counsel further submitted that after filing of the challan, further investigation was also conducted wherein petitioner was found to be innocent. Petitioner was arrested on the basis of subsequent investigation when he along with other accused were declared as proclaimed offender.

[7]. Learned State counsel strongly opposed the prayer of

the petitioner for regular bail on the ground that iron rod was recovered from the petitioner. 13 injuries were found on the person of Jagroop Singh. Petitioner was one of the member of the unlawful assembly. Out of total 14 accused, 5 of the accused have been declared as proclaimed offender. Out of total 68 prosecution witnesses, only 8 witnesses have been examined so far.

[8]. Considering the status of the petitioner viz-a-viz co-accused who have since been granted regular bail by this Court as well as Court of Sessions, I deem it appropriate to consider the case of the petitioner at par with other accused persons who have been granted bail.

[9]. In view of above, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner who is in custody since 28.12.2016 on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

[10]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 14, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No