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

CRM-M No. 22752 of 2018 (O&M)

Date of Decision : 30.07.2018

Lakhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, Additional A.G. Punjab.

P.B. BAJANTHRI, J.(ORAL)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C. in case FIR No. 15 dated 26.01.2017, under Sections 302 and 120-B of the IPC registered at Police Station Nehianwala, District Bathinda

2. Learned counsel for the petitioner submitted that petitioner's name has been cropped up in the aforesaid FIR only during investigation. Petitioner along with seven others co-accused were named in the present FIR. It is submitted that some of the co-accused of the petitioner have already been granted the benefit of regular bail. He relied upon Annexure P-3 to Annexure P-5, wherein, co-accused Shingara Singh, Gurdeep Singh @ Shambar and Nirmal Singh @ Nima have been granted regular bail by this Court.

3. Learned State counsel has not disputed these facts.

4. Heard the learned counsel for the parties.

5. As per initial version of the complainant Lakhvir Singh was done to death by Balwinder Singh @ Bittu, who was armed with a *kirch* and Gurtej

Singh @ Mintu armed with axe. Motive attributed is that 7/8 years prior to the occurrence Lakhvir Singh (since deceased) had inflicted injuries upon Balwinder Singh and in which case Lakvir Singh was convicted and was now on bail. Present petitioner has been implicated on the basis of a supplementary statement recorded of the complainant on 29.1.2017 and as per which present petitioner was working in a particular water works and was present along with the other co-accused. Even as per supplementary statement no overt act/injury has been attributed to the present petitioner on the person of the deceased. Petitioner has faced incarceration since 13.2.2017. Investigation having been completed, challan was presented and even charges have been framed. Evidence of complainant has already been recorded and conclusion of trial would take long time.

6. In view of the submissions of learned counsel for the petitioner, I deem it appropriate to grant the concession of regular bail to the petitioner by allowing this petition in terms of order dated 30.04.2018 passed in CRM-M-16372-2018 (Annexure P-5).

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner-Lakhvir Singh s/o Sh. Major Singh (wrongly written in challan as Resham Singh) is ordered to be released on regular bail on his furnishing bonds to the entire satisfaction of trial Court/Duty Magistrate concerned.

30th July, 2018
shabha

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

No