

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

CRM-M No. 50369 of 2018

Date of decision : 08.01.2019

Ex. H. C. Lakhwinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Dhiraj Chawla, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') for grant of regular bail to the petitioner in case FIR No.128 dated 06.05.2014 under Sections 222/223/224/364/342/302/201/120-B/149 of the Indian Penal Code, 1860 registered at Police Station – Civil Lines, Amritsar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated, whereas his name was not mentioned and no role has been attributed to him. He has been implicated on the basis of extra judicial confession made by the main accused. Two co-accused of the

petitioner namely Deep Raj Singh and Jagtar Singh alias Kanshi have been released on regular bail vide orders dated 18.03.2017 and 27.04.2018 passed in CRM-M No.4101 of 2017 and CRM-M No.15629 of 2018, respectively. Learned counsel further submits that the bail petition filed by the petitioner before learned Additional Sessions Judge, Amritsar has been dismissed without giving any reason in spite of the fact that the co-accused have been released on regular bail. The trial is being lingered on at the instance of complainant party by moving many applications. Statements of all the prosecution witnesses have already been recorded and even statements of accused persons under Section 313 Cr.P.C. have also been recorded. Statements of defence witnesses are yet to be recorded.

Learned State counsel has not disputed the custody period of the petitioner, which is more than four years and also release of two co-accused on regular bail as well as the stage of the trial.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other orders/documents on the file including orders of bail passed in two petitions of the co-accused.

Without commenting anything on the merits of the case and by considering the custody period undergone by the petitioner, which is more than four years and also the fact that two co-accused have been released on regular bail, accordingly on the basis of parity with two co-accused, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the

trial Court/Duty Magistrate.

08.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No