

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202 - CRM-M-12886-2020
Date of Decision: 06.10.2020

Lakhwinder Singh

... Petitioner

VS.

State of Punjab

... Respondent

202 - CRM-M-30192-2020
Date of Decision: 06.10.2020

Sandeep Singh @ Simrandeep Singh @ Soni Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. PS Sekhon, Advocate
Mr. Mohd. Yousaf, Advocate
for the petitioners

Mr. PS Walia, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-cited two criminal miscellaneous petitions, filed by the petitioners Lakhwinder Singh (aged 30 years) and Sandeep Singh @ Simrandeep Singh @ Soni Singh (aged 30 years), *inter alia*, praying for grant of regular bail in case FIR No.0162 dated 13.12.2019 u/s 307/353/186/224/130/332/148/149/120-B IPC and Section 25 of the Arms Act, 1959 registered at PS Moonak, District Sangrur. CRM-M-12886-2020 is being treated as the lead case for the purposes of passing order.

Learned counsel for the petitioners submits that from the

FIR. Learned counsel for the petitioners then submit that the petitioner (Lakhwinder Singh) was co-accused with Bhagwan Singh (named in the present FIR). A perusal of the FIR would show that the FIR has been registered on the statement of the ASI Baldev Singh. He has *inter alia*, stated that he along with Jaspal Singh and Charanjit Singh had brought the accused Bhagwan Singh to the trial Court (JMFC Moonak), in case FIR No.105 dated 24.07.2016. After the Court proceedings, when they were starting back from Moonak to Bathinda from the outer gate of Moonak Court, the alleged incident had taken place (details given in the FIR). It is further stated in the FIR that on a bullet fire made, Constable Charanjit Singh was injured on the right thigh.

Learned counsel for the petitioner (Lakhwinder Singh) submits that he had gone to the Court to appear in the Court being a co-accused in the same FIR. However, counsel for the petitioner (Sandeep Singh) submits that he had gone to the Court to appear in another case in which he was on bail.

Record shows that on 05.06.2020, the case was adjourned to 16.07.2020 and thereafter on various dates it was adjourned with permission to the State counsel(s) to seek instructions.

Learned State counsel, on instructions from HC Balkaran Singh submits that the said accused Bhagwan Singh (named in the FIR) who had fled away, had been arrested on production warrants in the present case on 06.07.2020. He secondly, submits that there was no CCTV camera installed at the place of occurrence and therefore no CCTV footage was available. Thirdly, he submits that in pursuance to this Court's direction, reply dated 09.09.2020 has been filed. He refers to page 6&7 of the reply

and undertakes to place the same on record. He then submits that the petitioner Lakhwinder Singh had 5 other FIRs against him and the petitioner Sandeep Singh had one FIR against him.

On a question put by this Court, learned counsel further, on instructions, submits that Constable, namely, Charanjit Singh No.1283/Bathinda who got bullet injury on his right thigh remained hospitalized from 13.12.2019 to 17.12.2019. He submits that investigation is complete; challan was presented on 17.03.2020. Counsel submits that out of 5 cases, in 3 cases, petitioner Lakhwinder Singh has been acquitted and in one case, proceedings had been quashed.

Faced with this situation, learned counsel for the petitioners submit that there are 38 witnesses in the present case and none have been examined till date. Counsel for the petitioners submit that they have instructions from the petitioners and their family members to submit that in order to show their *bona fide*, both the petitioners will deposit Rs.50,000/- each (a total of Rs.1 lakh) which can be given to the injured Constable Charanjit Singh towards medical expenses. They would also undertake that the petitioners would not involve themselves in any other criminal case from today.

They would further give an undertaking petitioner (Lakhwinder Singh) would submit original property papers worth of Rs.10 lakhs and petitioner (Sandeep Singh in the other case) would deposit property papers worth Rs.5 lakhs with the trial Court. They would further give an undertaking that they would not create any encumbrance or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioners are found involved in any other case and are found guilty, their

Learned counsel for the petitioners then submit that in fact considering the age of the petitioners who are young boys of 30 years of age and also due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous to their life and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioners to furnish as it deems appropriate, in pursuance to the offer made by their counsel, the petitioners, within one month from date of their release and in order to show their *bona fide*, both the petitioners will deposit Rs.50,000/- each (a total of Rs.1 lakh) which can be given to the injured Constable Charanjit Singh towards medical expenses. They shall also give an undertaking that they would not involve themselves in any other criminal case from today. In addition, petitioner (Lakhwinder Singh) would submit original property papers worth of Rs.10 lakhs and petitioner (Sandeep Singh in the other case) would deposit property papers worth Rs.5 lakhs with the trial Court with an undertaking that they would not create any encumbrance or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioners are found involved in any other case and are found guilty, their property(ies) can be confiscated and the

Government Treasury. This shall be without prejudice to defence of the petitioners before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

06.10.2020

vishal shonkar

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No