

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

CRM M-13714 of 2020 (O&M)
Date of Decision: June 02, 2020

Lakhvir Singh @ Lovely		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab.

FATEH DEEP SINGH, J. (Oral)

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

Mr. Sandeep Vermani, Addl.AG, Punjab, puts in appearance on behalf of the State on his own.

Petitioner Lakhvir Singh @ Lovely is accused in case bearing FIR No. 30 dated 07.05.2020 under Sections 323,

324, 506 and 34 and Section 326 (added lateron) IPC, Police Station Ladhawal, Ludhiana has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The brief allegations against accused/petitioner Lakhvir Singh @ Lovely are that on 07.05.2020 while complainant-Bhagwant Singh alongwith his family members were sitting in their house, few persons comprising of accused/petitioner Lakhvir Singh @ Lovely and his co-accused non-applicants, namely, Gurpreet Singh @ Gopa and Dara under the influence of alcohol were standing outside their home giving them abuses and when complainant Bhagwant Singh tired to restrain them, it is alleged that Gurpreet Singh Gopa attacked the complainant by means of kirpan hitting on the head and when Arvinder Singh son of complainant intervened, he too, received injuries on his hand including left thumb and right hand fingers. Thereafter, accused Dara has attacked Jashandeep Kaur, daughter of the complainant, whereas, the petitioner is attributed a blow by his baseball bat on the waist of the complainant. All these injuries have been opined to be simple in nature.

Mr. Ashish Soi, learned counsel for the petitioner, *inter alia*, contends that only single and that too simple injury on the non-vital part is attributed to the petitioner and it was a pure

skirmish and that false allegations have come about by the complainant.

Mr. Sandeep Vermani, AAG, Punjab, learned State counsel has strongly opposed the grant of bail on the grounds that custodial interrogation of the petitioner is essential for the recovery of the weapon.

Upon hearing learned counsel for the petitioner Mr. Ashish Soi, Advocate; learned State counsel Mr. Sandeep Vermani, Addl. AG, Punjab and on perusal of the records. As is there in the submissions of the two sides, all the injured have received simple injuries and only single injury is attributed to the petitioner on the waist and, that too, by a blunt weapon and, thus, a debatable issue arises over the applicability of offence under Section 326 IPC. In the light of the circumstances as detailed above, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investing officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall

abide by the conditions specified under Section 438(2) Cr.P.C.
Thereafter, he will be permitted to furnish regular bail bonds to
the satisfaction of the trial Court.

The petition stands disposed off, accordingly.

June 02, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No