

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

211

CRM-M-17756-2020
Date of decision: 23.07.2020

Lakhwinder Singh @ Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ankush Thakral, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.06 dated 28.01.2020 registered under Sections 399 and 402 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 25 of the Arms Act, 1959 at Police Station Sadar Abohar, District Fazilka.

The above said FIR was registered on the basis of secret information that on 28.01.2020 in the area of Police Station Sadar Abohar accused Ajay Kumar, Ajay Singh, Lakhwinder Singh @ Lucky (petitioner), Sukhdev Singh @ Divam and Sunil Kumar being armed with weapons were planning to commit dacoity. On raid, the petitioner was arrested along with his co-accused and recovery of country made pistol with live cartridges was made from his possession.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel. However, no reply has been filed.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. No case as to commission of alleged offences is made out. Co-accused Sunil Kumar has already been granted regular bail by Coordinate Bench of this Court vide order dated 09.06.2020. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that in view of the gravity of the accusation, the petitioner does not deserve grant of regular bail. The petitioner is involved in number of other cases of similar nature. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that co-accused Sunil Kumar has already been granted regular bail by Coordinate bench of this Court and also the fact that trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on merits of the case, I am of the considered view that the concession of regular bail be extended to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail

bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

23.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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