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

CRM-M No. 23188 of 2020
Date of Decision: 17.09.2020

Lakhwinder Singh @ Lucky

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. R.P. Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.146 dated 31.12.2019 under Section 379-B IPC (Section 201 IPC added later on) registered at Police Station Sadar Abohar, District Fazilka.

Allegations are that on 29.12.2019, the complainant was coming back after unloading buffaloes in his vehicle known as Chhota Hathi. At about 11 PM, a car came to be stopped in front of his vehicle. Five persons alighted from the car with muffled faces. They were having sharp edged weapons like sword. They snatched the keys of the vehicle, mobile set having

sim, bag containing RC of the motorcycle, Aadhar Card, PAN card along with cash amount of Rs.6300/-. The aforesaid items were taken away by them, however, the keys were returned.

Petitioner was arrested in FIR No.0006 dated 28.01.2020 under Sections 399, 402 IPC and under Sections 25/54/59 of Arms Act registered at Police Station Sadar Abohar, District Fazilka.

During investigation of the said case, complicity of the petitioner came to fore in different earlier cases including the present case bearing FIR No.146 dated 31.12.2019.

Learned counsel for the petitioner submits that the petitioner has been implicated solely on the basis of his alleged confession in police custody. The alleged occurrence took place on 29.12.2019, but the FIR came to be registered only on 31.12.2019.

Petitioner was arrested in FIR No.0006 dated 28.01.2020 on 01.02.2020 and an iron sword was recovered from the petitioner.

In the present case, a joint recovery of Rs.5000/- has been effected from all the accused.

Per contra, learned State counsel has produced on record custody certificate along with details of earlier cases to show that the petitioner has an antecedent history of criminal background.

Learned counsel for the petitioner has refuted the aforesaid fact on the ground that after arrest of the petitioner in FIR No.0006 dated 28.01.2020 under Sections 399, 402 IPC and Sections 25/54/59 of Arms Act, petitioner is sought to be arrested in earlier cases on the basis of his alleged confession in FIR No.0006 dated 28.01.2020.

Co-accused Sunil Kumar was also treated alike and was granted regular bail by this Court in CRM-M No.12851 of 2020 vide order dated 09.06.2020.

Petitioner was arrested on 01.02.2020 and since then, he is in custody.

Challan has been presented, but charges have not been framed so far.

Keeping in view the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

17.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |