

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

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CRM-M No.27527-2020

Date of decision:09.12.2020

Lakhwinder Singh @ Lucky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. H.S. Multani, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.26, dated 07.04.2019 registered under Sections 379-B and 34 of the Indian Penal Code, 1860, at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner has urged that the petitioner was arrested in FIR No.06 dated 28.01.2020, registered under Sections 399, 402 IPC and Section 25 of the Arms Act, at Police Station Sadar Abohar, Fazilka. Thereafter, on the basis of his confessional statement recorded while he was in custody, he has been named as an accused in the present FIR. Counsel for the petitioner has argued that the petitioner is involved

in seven other FIRs and he is on bail in all the cases. He has made a reference to the bail orders, Annexures P-3 to P-7 and order dated 04.11.2020 passed by the trial Court, which he has placed on record during the course of the hearing today. It has been asserted on behalf of the petitioner that he has been made accused in all the cases on the basis of his confessional statement. He submits that the challan has been presented before the trial Court on 15.03.2020, charges are yet to be framed and due to outbreak of pandemic the trial is not progressing, therefore, the petitioner deserves to be released on bail.

Per contra, learned counsel for the State has opposed the petition, upon instructions from ASI Gurmail Singh, and submits that the petitioner does not deserve the concession of bail keeping in view his criminal antecedents.

I have considered the rival submissions of the parties.

There is no dispute about the fact that the petitioner has been arraigned as an accused on the basis of statement made by him while in custody. As to whether such a statement is admissible in evidence is debatable.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on

his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

09.12.2020
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No