

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

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CRM-M-31569-2020

Date of Decision: 02.12.2020

LAKHWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CRM-M-31653-2020

BABBI @ SUKHJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.B.S. Mann, Advocate
for the petitioner in both the petitions.

Mr. P.S. Walia, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

This order disposes of CRM-M-31569-2020 filed by petitioner-Lakhwinder Singh and CRM-M-31653-2020 filed by petitioner-Babbi @ Sukhjinder Singh under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.137 dated 25.09.2019 registered under Sections 302, 323, 148 and 149 of the Indian Penal Code, 1860 (for short, "IPC"), at Police Station Khuian Sarwar, District Fazilka.

The above said FIR was registered on statement of Pamma Singh who alleged that on 24.09.2019, he and his son Bitu Singh along

with Sarbpreet Singh and Surinder Singh went to the house of accused Alamdeep Singh to make him understand not to beat his wife Sukhdeep Kaur. On reaching the house of accused Alamdeep Singh, they saw him beating his wife. Raja brother of accused Alamdeep Singh was also present in the house and on calling by accused Alamdeep Singh, Baby and Lakhwinder Singh who were armed with dang and Babu Singh (petitioner) and Akashdeep Singh also came there. When they asked Alamdeep Singh not to give beating to Sukhdeep Kaur, Alamdeep Singh got annoyed and inflicted blow with stick on the head of his son Bitu Singh who fell down. Companions of accused Alamdeep Singh raised lalkara for causing more injuries to him. Bitu Singh was taken to Civil Hospital Abohar where he was declared brought dead.

The petitions have been opposed by learned State Counsel in terms of replies filed by way of affidavit of Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-Division, Abohar, District Fazilka.

Learned State Counsel has filed custody certificate of petitioner-Babbi @ Sukhjinder Singh through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. The petitioners were not armed with any weapon and no overt-act is attributed to the petitioners. There are general allegations of raising lalkara to cause injuries to the deceased. There is only one injury on the person of the deceased which is attributed to co-accused Alamdeep Singh. Similarly

placed co-accused Babu Singh has already been granted bail vide order dated 25.08.2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioners are accused of having raised lalkara for causing more injuries to Bitu Singh and to have actively participated in his murder. In view of the gravity of accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation, role attributed to the petitioners, parity with their co-accused Babu Singh who has been granted bail by this Court vide order dated 25.08.2020 and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

Therefore, the petitions are allowed and the petitioners- Lakhwinder Singh and Babbi @ Sukhjinder Singh are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

02.12.2020
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(ARUN KUMAR TYAGI)
JUDGE

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