

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26974 of 2021
Date of decision:19.07.2021

Lakhwinder Singh @ Lakhi ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Dr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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

The petitioner is seeking regular bail in case FIR No.0019 dated 25.02.2021 registered under Sections 399 and 402 of Indian Penal Code, 1860 at Police Station Badali Ala Singh, District Fatehgarh Sahib (Annexure P-1).

FIR (Annexure P-1) was registered on the basis of the secret information to the effect that Lakhwinder Singh @ Lakhi (present petitioner), Ravi Khan, Yograj Singh Yogi, Gurcharan Singh, Charanpreet Singh, Harpreet Singh and Faiz Mohammad, who are the habitual robbers, were hiding in the bushes with life threatening weapons with an intention to

indulge in some major incident. The accused were apprehended from the spot.

Counsel for the petitioner has contended that a perusal of the FIR shows that no offence has been committed and the provisions of Sections 399 and 402 of IPC are not attracted. He submits that after lodging of FIR, Annexure P-1, another criminal case was foisted against the petitioner, wherein, he was not named and has been released on bail by the trial Court. He submits that the investigation qua petitioner is complete, challan has been presented and the petitioner, who is in custody since 25.02.2021, deserves to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Avtar Singh has opposed the petition and submitted that iron *dah* has been recovered from the petitioner which shows his intent. He has filed the custody certificate dated 19.07.2021 which is taken on record. As per his instructions, challan has been presented on 23.02.2021, though the charge is yet to be framed.

Having considered the arguments of counsel for the parties, the Court is *prima facie* of the view that the material collected by the prosecution is debatable and the petitioner is entitled to be released on bail.

Keeping in view the facts and circumstances, nature of allegations, the gravity of offence, period of incarceration of the petitioner and the fact that trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind 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.

(SUVIR SEHGAL)
JUDGE

July 19, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes