

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31371 of 2020
Date of decision:25.02.2021

Lakhveer Singh and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Tribhawan Singla, Advocate and
Mr. K.B.Raheja, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The petitioner is seeking regular bail in case FIR No.0116 dated 24.07.2020 registered under Sections 307, 324, 323, 341, 325, 148, 149, 120-B, 506 and 427 of Indian Penal Code, 1860 at Police Station Sadar Barnala, District Barnala.

Counsel for the petitioners has contended that the fight had taken place between the complainant and accused due to trade union rivalry. He submits that though the injuries attributed to the petitioners have been declared to be grievous in nature, but the injuries have been inflicted on the limbs and are on the non-vital part of the body of the complainant. He urges that ingredients of offence under Section 307 IPC are not fulfilled. Still further, he submits that the challan has been presented, charge has been framed and the accused petitioners, who are in custody since 16.08.2020,

deserve to be enlarged on bail.

Counsel for the petitioners submits that insofar as petitioner No.1 is concerned, FIR for theft was registered against him in which he was acquitted but an appeal filed by the prosecution is pending. He submits that insofar as petitioner No.2 is concerned, a complaint under Sections 107/151 Cr.P.C is pending against him. Still further, he submits that inadvertently, another petition (CRM-M-34274 of 2020) was filed seeking regular bail on behalf of petitioner No.2 which was withdrawn on 21.12.2020.

State counsel upon instructions from ASI Gurmel Singh has opposed the petition and submitted that injuries have been caused by the petitioners with kirpans. He has filed the status report by way of affidavit of Deputy Superintendent of Police, Sub-Division, Barnala, and points out the report of the doctor, wherein it has been opined that had the complainant-injured not been brought to the hospital in time for treatment, the injuries could have been life threatening. Still further, he submits that 11 injuries were inflicted on the complainant out of which five injuries are attributed to the petitioners. As per his instructions, the challan has been presented on 06.11.2020, there are 22 prosecution witnesses and the trial is fixed today for recording of prosecution evidence. Custody certificate dated 24/25.02.2021 has been filed by the State. Same is taken on record. A copy thereof, has been supplied to the counsel for the petitioners.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration, nature of allegations, the gravity of offence and the fact that

trial is likely to take time, no purpose would be served by keeping the petitioners behind bars any further.

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

February 25, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>