

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

CRM-M-40448-2020 (O&M)

Date of decision: 29.10.2021

Lakhan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 137 dated 04.05.2019, registered under Sections 323, 341, 379-B, 506, 427, 148, 149 of the IPC at Police Station Division No. 5, District Police Commissionerate, Ludhiana, Punjab.

Learned senior counsel for the petitioner submits that the FIR was registered on the statement of complainant Neeraj Kumar that he is working as a Cable Operator and he, along with his friends Jinder Kumar, Mohit Kumar, Varinder Kumar @ Ballu and Ajay Kumar, had gone to Mohali to watch a cricket match in a car and when they reached near the office of Tony Finance, Jawahar Nagar Camp Ludhiana, Jinder Kumar alighted from the car and started vomiting. In the meantime, petitioner

Lakhan Kumar, Ram, Karan, Billi, Laddi, Bunny and Balvir Kumar @ Bitta, under the influence of intoxicants, attacked them without any reason. Petitioner Lakhan Kumar and Balvir Kumar @ Bitta were armed with iron *daat*, whereas other persons were armed with wooden sticks. They abused and threatened the complainant's party. Upon this, all the persons from complainant's side tried to flee from the spot but petitioner Lakhan Kumar attacked complainant with the reverse side of *daat* which hit on his arm and legs and the remaining accused persons gave *danda* blows upon complainant. In the meantime, the companions of the complainant fled away from the spot and petitioner Lakhan Kumar and Balvir Kumar @ Bitta snatched some important documents and cash of about Rs. 5,000/- from the pocket of the pant of complainant.

Learned senior counsel further submits that petitioner is in judicial custody for the last about 02 years and 06 months and as per statement recorded under Section 161 Cr.P.C., except for the complainant, the other persons have not supported the allegations forming the charge under Section 379-B IPC.

Learned senior counsel has referred to zimini orders passed by the trial Court to submit that for a considerable long time, no prosecution witness was examined and as on today, only 03 prosecution witnesses have been examined so far, thus, conclusion of trial is likely to take a long time.

Learned State counsel, assisted by learned counsel for the complainant, on the basis of the previous custody certificate filed in Court, has not disputed the factual position that petitioner is in judicial custody for the last about 02 years and 06 months, however, it is submitted that petitioner is involved in some other cases.

In reply, learned senior counsel for the petitioner has referred to the orders granting bail to the petitioner in other cases.

After hearing learned counsel for the parties, considering the facts that petitioner is in judicial custody for the last about 02 years and 06 months and co-accused of the petitioner, namely Balvir Kumar @ Binta, has already been granted concession of regular bail, vide order dated 04.03.2021 passed in CRM-M-20454-2020, and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

29.10.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No