

219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5838-2022 (O&M)
Date of Decision:12.05.2022

Lakhan

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.254 dated 16.10.2021 registered under Sections 307, 452, 325, 148, 149 and 506 IPC at Police Station Moti Nagar, District Ludhiana. The petitioner is in custody since his arrest on 19.10.2021.

The FIR was registered on the statement of Golu and the allegations as noticed by the Id. Addl. Sessions Judge, Ludhiana in the order dated 21.01.2022 are as under:

“Brief facts of the prosecution case are that one Golu got recorded his statement that on 14.10.2021 at 2.30 am he was lying in his room, then Lakhan (applicant-accused), Sekhar, Makhan, Preeto, Jyoti, Pooja, Deepu, Kavita and Laljeet forcibly entered into his house with deadly weapons. Lakhan hit with his kirpan in the head. Makhan also hit with his kirpan on the head. Ladies accompanying them instigated all of them that complainant should be brought on road and he should be killed. Then all these persons forcibly took him to the road near Kali Mata Mandir. Then Deepu hit with iron rod and Shekhar hit with iron rod on the left leg. Then he fell down. When he was lying down, Makhan, Lakhan, Shekhar, Laljit, Deepu caused injuries with their weapons to kill him. Ladies related to the applicant gave leg blows and instigated other

persons to cause injuries. Complainant raised hue and cry and on hearing the cry, Bimla alias Beena also came at the spot, who witnessed the whole occurrence. Seeing the gathering of peoples, these persons fled away from the spot after giving threats of life. Injured was taken to hospital, from where he was referred to PGI and then he was referred to Government hospital, Sector 32. Then injured was brought back but when his condition was deteriorated, he was again admitted in Mohan Dai Hospital. Police registered the case under Section 307, 452, 325, 148, 149 and 506 IPC. During investigation accused-applicant Lakhan was arrested on 19.10.2021. On interrogation, applicant-accused vide statement under Section 27 of Evidence Act got recovered iron kiran, which was taken into police possession.”

Learned counsel for the petitioner contends that no specific injury has been attributed to the petitioner and vague allegations have been levelled against all the family members. According to him, as the investigation of the case is complete and challan has been presented on 12.01.2022, therefore, his further custody may not be necessary. He prays for bail.

Learned State counsel assisted by HC Malkit Singh, has opposed the prayer on the ground that the petitioner is involved in five more cases, however, it is not disputed that the challan has been filed on 12.01.2022, but charges have not been framed so far.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

12.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No