

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

106/2

CRM-M-9998-2021

Date of Decision: 07.01.2022

Lakhwinder Singh @ Budhu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Rajbir Singh Attri, Advocate for petitioner.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab.

Mr. Rahul Vijay Singh Chugh, Advocate for complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Lakhwinder Singh @ Budhu** for grant of regular bail in case FIR No.92 dated 29.03.2020 under Sections 380, 392, 395 and 458 IPC, registered at Police Station Sadar Mansa, District Mansa.

Status report dated 20.12.2021 has been received from Trial Court, placed on record in connected CRM-M-2444-2021, in terms of which, testimonies of PW-1 Sandhura Singh, PW-2 Gurpreet Singh (complainant), PW-3 Ajit Singh (victim-injured), PW-4 Balbir Kaur (victim-injured), PW-5 Harpreet Singh and PW-6 Harwinder Singh have already been recorded.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are altogether false and frivolous and

prosecution witnesses namely PW-1 Sandhura Singh, PW-2 Gurpreet Singh (complainant), PW-3 Ajit Singh (victim-injured), PW-4 Balbir Kaur (victim-injured), PW-5 Harpreet Singh and PW-6 Harwinder Singh have already been recorded, wherein they have not supported the cause of prosecution. He further urges that co-accused namely Gurtej Singh @ Maddi and Sukhdeep Singh @ Kala have already been extended concession of regular bail by this Court, vide order dated 04.01.2021 passed in CRM-M-43174-2020 (Annexure P/2). He further urges that petitioner is languishing in custody since 24.09.2020 and he is no more required by the Police for any investigation purpose. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel assisted by learned counsel for complainant while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and gone through the contents of petition as well as reply furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that material prosecution witnesses namely PW-1 Sandhura Singh, PW-2 Gurpreet Singh (complainant), PW-3 Ajit Singh (victim-injured), PW-4 Balbir Kaur (victim-injured), PW-5 Harpreet Singh

and PW-6 Harwinder Singh have already been examined; that petitioner is in custody since 24.09.2020 and he is no more required by the Investigating Agency for investigation purpose; and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Lakhwinder Singh @ Budhu** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Mansa, as the case may be.

(LALIT BATRA)
JUDGE

07.01.2022

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No