

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

229-A

CRM-M-10829-2022 (O&M)

Date of Decision: 28.10.2022

LAKHWINDER SINGH @ LUCKY

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Birinder Singh Khehar, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 01.07.2020, registered under Sections 120-B, 302, 201 and 34 IPC and Section 25 of the Arms Act, at Police Station Chhappar, District Yamuna Nagar, the first one having been dismissed as withdrawn on 07.09.2021.

Learned counsel for the petitioner submits that initially the FIR was registered against 3-4 unknown persons; that the petitioner has falsely been implicated in the present case; that even in the subsequent statements of Amarjit Singh and Kuldeep Kaur (brother and wife of the deceased), no specific injury has been attributed to the petitioner; that the petitioner has been indicted in the present case merely

on suspicion and that as per the prosecution versions, the petitioner has conspired with the co-accused in committing murder of Gurvinder Singh (since deceased). He further submits that no recovery was effected from the petitioner; that complainant, namely, Jaswinder Singh (brother-in-law) of the deceased, while stepping into the witness box did not support the prosecution version qua the recovery part and that the petitioner has been in custody since 16.07.2020. Still further, it is submitted that co-accused, namely, Abhishek Pal @ Anshu Pal and Manga Singh, have already been granted the concession of bail by the Hon'ble Supreme Court and this Court, respectively.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned Senior counsel for the complainant do not dispute the custody period of the petitioner. They, however, submit that the petitioner had actively participated and conspired in the occurrence, inasmuch as, he along with the co-accused committed the murder of Gurvinder Singh. They further submit that the complainant has duly identified the petitioner as one of the assailants and that out of total 33 prosecution witnesses, 13 have already been examined and 6 given up.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.07.2020. As noticed above, co-accused have already been enlarged on bail. No specific injury has been attributed to the petitioner. Though the petitioner has duly been identified by the complainant during his testimony, yet the

only allegation against the petitioner is that he was a conspirator. The complainant, while appearing a prosecution witnesses, did not support the prosecution version qua the recovery part. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

28.10.2022

Aman Jain

(HARNARESH SINGH GILL)**JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*