

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

CRM-M-18582-2021 (O&M)
Date of Decision:- 25.2.2022

Lakhwinder Singh @ Lucky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. M.S. Dullat, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No. 16 dated 5.2.2021 under Sections 307, 381, 436, 411/120B IPC at Police Station Shahkot, District Jalandhar.
2. The FIR was lodged at the instance of Sita Goyal, wherein it is alleged that they had employed one Sushila to work as a domestic help. It is alleged that on 30.1.2021 when the complainant Sita Goyal and her husband Ramesh Goyal had dinner, they felt some sweet flavour in the 'dal' served in dinner. After having their dinner, they went to sleep in their room. At about 10-11:00 p.m., the complainant Sita Goyal had difficulty in breathing and starting coughing and on account of which she woke up. It is alleged that she saw smoke in the room and an adjoining small bed had caught fire. The complainant tried to wake up her husband but he was lying unconscious.

Upon alarm raised by the complainant, her son Amit Goyal rescued them. Upon checking the articles in the house, they realised that gold ornaments and cash amount were missing from the almirah. It is alleged that their domestic help Sushila in connivance with her companions, had committed the offence in question. It is further the case of prosecution that on 5.2.2021, Sushila was apprehended by the police and who suffered a disclosure statement that she had committed the offence in conspiracy with Lakhwinder Singh @ Lucky, who had held out a representation that they would get married and flee to Dubai.

3. The learned counsel for the petitioner has submitted that even if the allegations, as levelled in the FIR are taken to be correct, it is co-accused Sushila who had played a pivotal role in setting the house of the complainant on fire and stealing jewellery and cash from the house of the complainant. It has been submitted that the petitioner is being nominated solely on the basis of a disclosure statement allegedly made by said Sushila and that the same is not substantiated in any manner so as to connect the petitioner with the alleged occurrence. It has also been submitted that since co-accused Dilshad has been granted bail, the petitioner deserves the same concession on grounds of parity.
4. On the other hand, the learned State counsel has submitted that the petitioner was the brain behind the entire incident and was the main conspirator who had told Sushila to commit the robbery and to set the house on fire. The learned State counsel submits that when co-accused Sushila was apprehended by the police on 5.2.2021, she had suffered a disclosure statement that she had committed the offence in conspiracy with Lakwinder

Singh @ Lucky who had held out a representation that after the commission of theft they would flee to Dubai and get married. The learned State counsel has further submitted that the petitioner had directed Sushila to hand over the bag containing the jewellery and cash to Dilshad who had been sent by the petitioner and since Dilshad upon being arrested by the police on 7.2.2021 had got recovered an amount of ₹ 1,65,000/-, 3 bangles and a gold 'kara' from his house, the involvement and complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and that as on date only 1 out of the cited 14 prosecution witnesses has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the actual theft was not personally committed by the petitioner but from the disclosure statement made by the main accused Sushila who had committed the theft and set the house of the complainant on fire, it is evident that she had done the said act at the instance of the petitioner who had held out a representation that after committing the theft, they will flee to Dubai and get married. Upon arrest of petitioner, he had disclosed that he had asked his friend Dilshad to collect a bag from Sushila. The involvement of the petitioner is borne out from the fact that huge amount of cash and gold ornaments were actually recovered from co-accused Dilsahd to whom Sushila had handed over the same on the asking of the petitioner. Dilshad, upon his arrest also made a corroborative statement that he had been told by petitioner to collect a bag from Sushila. The co-accused Dilshad was extended the concession of bail while observing that it would be debatable as to whether he had indeed connived and conspired

with the co-accused as regards the alleged poisoning of the complainant or setting the house on fire though his role in respect of Section 411 IPC could be said to be *prima facie* made out. In these circumstances, the petitioner cannot claim any parity with the case of the co-accused Dilshad, who had been granted bail vide order dated 7.2.2022. In view of the aforestated discussion, this Court does not find any ground for grant of bail.

7. The petition, as such, is sans merit and is dismissed.
8. The trial Court is, however, directed to take necessary steps as may be possible under the present circumstances of spread of pandemic, for expeditious disposal of trial.

25.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No