

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

214

**CRM-M-18414-2022
Date of decision: 09.05.2022**

LAKHBIRPAL SINGH @ BABA LAKHAPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Pranav Chamoli, Advocate
for the petitioner.

Ms. A. K. Khurana, DAG, Punjab

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 0089 dated 26.04.2020 registered under Sections 307, 326, 324 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as “the IPC”) (Section 325, 201 and 120-B of the IPC were added subsequently) at Police Station Kamboj, District Amritsar Rural (Punjab).

2. Learned counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner has been in custody since 27.04.2020 in the said case and that as per the FIR registered on the statement of injured Satnam Singh, the petitioner is attributed a lalkara to the effect that the complainant abuses the petitioner daily and that as he had come under control today, he should teach him a lesson. Thereafter, an injury with Datar is also alleged to have been caused by the petitioner which hit the complainant Satnam Singh on his right knee.

3. Learned counsel submits that as per the investigation of the

police, the complainant-injured Satnam Singh had sustained as many as 11 injuries and the Sukhbir Singh @ Ghuki was also attributed 03 injuries with an axe which were above and below the right knee. He further contends that the said Sukhbir Singh @ Ghuki is also attributed with axe blow injuries to the injured Satnam Singh on his head and forehead of the injured. It is the said injuries that have attracted offence under Section 307 IPC. He further contends that the petitioner has already undergone an actual custody of 02 years and 10 days and that only 04 witnesses have been examined so far out of total 17 witnesses cited by the prosecution.

4. Per contra, learned State counsel has stated that the petitioner have actively participated in inflicting of injuries on complainant-injured Satnam Singh. He however could not controvert the fact that the injury attracting Section 307 of the IPC is not attributed to the petitioner. As per the case of the prosecution the injury attributed to the petitioner at best is likely to attract Section 326 of the IPC which is a matter to be finally adjudicated by the trial Court. It is also not disputed that the petitioner does not have any criminal antecedents and is not involved in any other case.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Apparently, the trial has not make much progress and that only 04 witnesses out of a total 17 witnesses have been examined. The petitioner has already undergone an actual custody of more than 02 years. The culpability of the criminal act on the part of the petitioner is

yet to be determined by the trial Court and conclusion of the trial is likely to take long time. No interest of justice would be advanced by continued incarceration of the petitioner and so I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 09, 2022
vishal sharma

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