

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20769-2022

Date of decision : 05.12.2022

Lakhvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Balram Prashar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.23 dated 09.02.2022 registered under Sections 379-B(2) and 411 IPC (added during the course of investigation) at Police Station Dakha, Ludhiana Rural.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 09.02.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which, 6 witnesses are yet to be examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that co-accused of the petitioner namely Prakash @ Deepak, against whom allegations are with respect to alleged strangulation and also from whom the recovery of silver *karra* has been effected, has already been granted concession of default bail by the Judicial

against the present petitioner that he had beaten up the complainant with *dang* but offence under Section 323 IPC has neither been added in the FIR nor the challan has been present with respect to said section.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the scooter which was used by the petitioner and co-accused during the commission of crime, has been recovered from the present petitioner and thus, the petitioner does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances moreso the fact that the petitioner has been in custody since 09.02.2022 and the investigation is complete and the challan has already been presented and out of 10 witnesses, 6 witnesses are yet to be examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and recovery of silver *karra* has been effected from the co-accused Prakash @ Deepak, who has already been granted concession of default bail by the Judicial Magistrate Ist Class, Ludhiana, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of

opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 05, 2022
Davinder Kumar

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