

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

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CRM-M-38842-2021 (O&M)

Date of decision: 17.03.2022

LAKHWINDER @ BINDER

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-9879-2022

This is an application for placing on record Annexure P-11.

Notice of the application.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG,
Punjab, accepts notice and submits that he has no objection if the present
application is allowed.

In view of the above, the present application is allowed and
the Annexure P-11 is taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-38842-2021

Through this petition, the petitioner seeks regular bail in
case bearing FIR No.02 dated 13.01.2020, under Sections 302 and 120-B
IPC, registered at Police Station Hajipur, District Hoshiarpur.

Learned counsel for the petitioner submits that it is a case in
which Om Prakash @ Moni Baba was alleged to have been murdered

on 12.01.2020, who died on 13.01.2020; that initially the present FIR was got registered against unknown persons and that on 25.01.2020 statement of Rahul, who is alleged to be a shopkeeper, was recorded, in which he has stated that the petitioner along with the other co-accused, while snatching Rs.3,000/- and a mobile phone, have murdered the deceased, by hitting with a rod, in cremation ground at Hajipur. She further submits that though as per the prosecution, samples of the blood lifted from the spot, alleged weapon used in the occurrence and cloth and chappal of the deceased, were sent to the FSL at Mohali, yet the fact remains that as per the FSL report dated 25.01.2022 (Annexure P-11), no blood sample was sent to the FSL for examination. Still further, it is submitted that Rahul has already been examined before the learned trial Court and that the petitioner has been in custody since 27.01.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner. He, however, submits that it is a case of a blind murder and that Rahul, in his statement recorded under Section 161 Cr.P.C., has specifically named the petitioner along with the other co-accused. He further submits that as per the FSL report dated 25.01.2022, reddish brown colored stains were found on all the items sent for the examination and that there are total 22 prosecution witnesses, out of which 5 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.01.2020.

Petitioner has been indicted on the basis of the statement of Rahul, whose

testimony has already been recorded before the learned trial Court. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.03.2022*Aman Jain***(HARNARESH SINGH GILL)
JUDGE***Whether reasoned/speaking?**Yes/No**Whether reportable?**Yes/No*