

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

CRM-M-48777-2021 (O&M)

Date of decision: 11.03.2022

Lakhvinder Singh @ Lakhu and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Choudhary, Advocate for the petitioners.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioners in case bearing FIR No.311 dated 01.08.2019, registered under Sections 147, 148, 149, 307, 323, 302 IPC, Section 303 IPC added subsequently, at Police Station Azad Nagar Hisar, District Hisar.

Learned counsel for the petitioners submits that initially the petitioners were not named in the FIR and were later on indicted in the present case on the basis of the disclosure statement of the co-accused; that only kicks and fist blows have been attributed to the petitioners, upon Talwinder and Harjeet but not upon Ravinder (since deceased); that no recovery has been effected from the petitioners; that the petitioners have been in custody since 21.08.2019 and that the challan has already been presented. He further submits that as three co-accused, namely, Ravinder, Binder and Krishan @ Boxer have already been granted the concession of bail, the petitioner may also be granted such concession, on the ground of parity.

He further submits that as far as other cases are concerned, petitioner No. 1 is acquitted in one case registered against him and petitioner No. 2 is on bail in all other three cases.

Learned State counsel, while vehemently opposing the prayer for bail submits that a fight took place in the jail premises and that the petitioners are habitual offenders. However, he does not dispute the custody period of the petitioners. He submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 21.08.2019. The petitioners were indicted in the present case on the disclosure statement of the co-accused. Only kicks and fist blows have been attributed to the petitioners, upon Talwinder and Harjeet but not upon Ravinder (since deceased). Three similarly placed co-accused are on regular bail. The charges are yet to be framed. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.03.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No