

**(210) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44771-2022

Date of Decision: 15.11.2022

LAKHWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harsimranpreet Singh, Advocate
for the petitioner.

Ms. Mamta Choudhary, DAG, Punjab.

Mr. Pawan Kumar, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.44 dated 16.05.2020 (Annexure P-1) registered under Sections 307, 148, 149 IPC, 1860 and Sections 25 and 27 of Arms Act 1959 (Sections 148, 149 IPC was deleted and Sections 34, 201 IPC, 1860 has been added) at Police Station GRP Amritsar, District Government Railway Police.

2. The present FIR came to be registered at the instance of Lakhbir Singh son of Mohan Singh, who stated that he was working as a driver of a truck. On 16.05.2020 in the morning, there was a fight between the son of Bir Singh i.e. Sahil Singh and the son of Sukh Dairy while they were playing and they went back to their respective houses. Thereafter, a telephonic message was received on the mobile phone of his brother Bir

Singh from one Manak threatening him. On this he went to Manak and Kishore to make them understand. In the evening on his way, when he reached near the Railway House then Ankush and Lakhwinder Singh (petitioner) were standing their along with Manak and his father Kishore. He tried to talk to them and effect a settlement. However, while they were talking, Ankush took out a pistol and fired towards him hitting his left knee. Lakhwinder Singh (petitioner) fired upon his brother Bir Singh hitting his left arm. Thereafter, Ankush fired once again on the left thigh of Sajjan. After firing upon them, Ankush and Lakhwinder Singh (petitioner) ran away from the spot with their respective weapons.

3. The learned counsel for the petitioner contends that the occurrence took place on a trivial issue on account of a fight between the children of both the parties. He contends that the injured have already furnished their affidavits in favour of the accused (Annexures P-3 to P-5). The co-accused of the petitioner have already been granted the concession of bail as is borne out from the Annexures P-6 to P-8. He contends that the case of the petitioner is better than that of Ankush who has been attributed two injuries as against one injury attributed to the petitioner. The petitioner has been in custody since 22.06.2022 and the challan stood filed on 08.09.2022. Since none of the 30 prosecution witnesses have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner ought to be granted the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused along with Ankush and does not deserve the concession of regular bail. He however, does not deny the fact that

Ankush has been granted regular bail by this Court vide order dated 03.12.2020 passed in CRM-M-32480-2020 (Annexure P-8) as also the period of custody undergone by the petitioner and the stage of Trial.

5. Mr. Pawan Kumar, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record. He has admitted the factum of compromise arrived at between the parties.

6. I have heard the learned counsel for both the parties at length.

7. Admittedly, a co-accused of the petitioner namely, Ankush has been granted the concession of bail by this Court vide order dated 03.12.2020 passed in CRM-M-32480-2020 (Annexure P-8). The three injured witnesses have furnished their affidavits in support of the accused (Annexures P-3 to P-5). The petitioner has been in custody since 22.06.2022 and the Trial is not likely to be concluded anytime soon since as many as 30 prosecution witnesses are yet to be examined. Therefore, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Lakhwinder Singh son of Balwinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.11.2022

JITESH

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