

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211-CRM-M-57705-2022

Date of Decision: 15.12.2022

Lakhwinder Singh @ Lucky @ Lakha

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahil Puri, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.124 dated 04.06.2022 under Sections 397/458/347 IPC and Section 25 of the Arms Act, registered at Police Station City Kapurthala.

Learned counsel for the petitioner contends that he has been falsely implicated in FIR and as is *prima facie* evident from the fact that the items, alleged to have been stolen from the house of the complainant, namely, 2 gents gold chains, one gold tikka, two ladies gold rings and Rs.90,000/- cash from the almirah and one licensed revolver .32 bore, which do not match with the recovery shown by the investigating agency as is recorded in the order while declining bail by the court below, in which in para 3 thereof, the recovery is recorded as one air pistol having words BOND embossed on it, one gold ear ring, one gold tops, one gold nose pin, one pair of artificial ear rings and Rs.20,000/- in cash, which had been recovered by the investigating agency.

Notice of motion.

On the asking of the court, Mr. Rajiv Verma, DAG Punjab accepts notice and has filed custody certificate dated 14.12.2022, which is

taken on record. He asserts that there are two cases against the petitioner out of which in one case, he stands acquitted by the Court of JMIC, Kapurthala and in one case, he is inside for the last 5 months and 5 days. He also submits that the items may not be matching with the recovery effected but the act and conduct of the petitioner is such that he does not deserve the concession of regular bail, who is a habitual offender and has barged into the house of the complainant with a motive to commit dacoity.

Heard.

In view of the fact that the aforesaid items so recovered do not match with the stolen items from the house of the complainant and also looking into the aspect that the petitioner is behind the bars for the last 6 months and also in view of the fact that no custodial interrogation is required and that the conclusion of the trial is likely to take long time and, further, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.

15.12.2022

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No