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

**CRM-M-2785-2023
Date of Decision: 03.03.2023**

Lakhvir Singh @ Lakha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.208 dated 18.09.2022, under Sections 324, 341, 148, 149 of Indian Penal Code, 1860, (Section 326 and 307 of Indian Penal Code added later on), registered at Police Station Baghapurana, District Moga (Annexure P-1).

Status Report by way of affidavit of Jasjyot Singh, PPS, Deputy Superintendent of Police, Sub Division Baghapurana, District Moga on behalf of respondent-State of Punjab was filed.

Custody certificate dated 02.03.2023 of the petitioner filed by

learned State counsel in Court today is taken on record, subject to all just exceptions.

Succinctly, the abovesaid case FIR No. 208 came to be registered on the complaint of one Gursharan Singh who stated that he and his sister were doing IELTS at E-school, Baghapurana, where Gobind Singh and Satnam Singh @ Sunny were also doing IELTS with him. 4-5 days ago, they were attending class of Kamal Madam. At that time, a phone call has been received on the mobile of Gobind Singh due to which some argument took place with Gobind Singh during class and Gobind Singh threatened him of dire consequences. On 17.09.2022 at Bus Stand Baghapurana, accused Gobind Singh armed with *Kirpan*, Satnam Singh armed with *Kirch* alongwith 10-11 unknown persons who were also armed with iron pipes came there on 4-5 motorcycles and encircled him. It is alleged that Gobind Singh and Satnam Singh gave blows of their Kirpan and Kirch respectively whereas unknown assailants also caused injuries with their iron pipes and fled away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of statement of one Gobind Singh (main accused) vide DDR No. 38 dated 15.11.2022. It is further submitted that there is no other evidence against the petitioner apart from the disclosure statement of Gobind Singh. Learned counsel submits that the petitioner is not involved in any other case and the petitioner has been in custody since 24.11.2022. It is further submitted that the petitioner has not been attributed any specific injury in the FIR, however as per the '*Injury Chart*' attached as Annexure R-1 with the Status Report filed by State, the petitioner has been attributed two injuries to the complainant i.e.

On fingers of left hand and below the right knee and both the said injuries

are simple in nature. Learned counsel further submits that another co-accused Satnam Singh @ Sunny has been granted ad-interim bail vide order dated 31.01.2023 passed by this court in CRM-M-57710-2022 and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner is in custody since 24.11.2022. It is also not disputed that as per Status Report, the petitioner has been attributed two injuries to the complainant, which are simple in nature. It is further not disputed that another co-accused Satnam Singh @ Sunny has been granted ad-interim bail.

I have heard learned counsel for the parties and perused the paper book, status report, as well as the custody certificate filed by learned State counsel, in Court today.

In this case, the petitioner is a young boy of 25 years and he has been in custody for the last more than 3 months. Petitioner was not named in the FIR and he has been nominated as an accused on the basis of statement of one Gobind Singh (main accused) vide DDR No. 38 dated 15.11.2022. As per Status Report, the petitioner has been attributed two injuries to the complainant on his fingers of left hand and below the right knee, which are simple in nature. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars. Moreover, another co-accused Satnam Singh @ Sunny has been granted ad-interim bail vide order dated 31.01.2023 passed by this court in CRM-M-57710-2022.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

03.03.2023*Himani***(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |