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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3830-2023

Date of decision :30.01.2023

LAKHWINDER SINGH BABE KE

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.K. Singla , Advocate
for the petitioner(s).

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.21 dated 14.02.2021 registered under Sections 325, 323, 148, 149 IPC, 1860 (Section 308 IPC added later on) at Police Station Bhikhi, District Mansa.

2. The present FIR came to be registered at the instance of Gourav Garg son of Veerbhan who stated that he was the owner of a ready-made garment shop. On 13.02.2021 in the evening while he along with Sunny and Jugnu Singh went to purchase shoes and were coming back on their motorcycles, Labhi Singh, Lakhwinder Singh Chahal Babe Ka (petitioner) and 2/3 unknown persons who could be identified were standing at the shops and started abusing them (complainant party). On asking as to why they were being abused, the accused, Lakhwinder Singh Chahal Babe Ka who was holding an empty beer bottle in his

hand hit the same on the head of Sunny. When he (complainant) came forward, then the petitioner gave the same bottle blow on his left eye. Labhi, Bhujia, Happy and 3/4 other persons started throwing bricks upon them (complainant party) and one brick hit his (complainant's) head and the second one hit the finger of the left arm. On seeing the people gathered at the spot, the accused ran away from there.

3. The learned counsel for the petitioner contends that though the injury on the head of Sunny has been attributed to the petitioner and purportedly is one under Section 308 IPC, however, no such medical opinion is available on the file to substantiate the said fact. The petitioner was in custody since 30.03.2022 and none of the 15 prosecution witnesses had been examined so far. There is only one other case under the NDPS Act registered against him in which he has been granted the concession of bail. Since the Trial of the present case was not likely to be concluded anytime soon, the further incarceration of the petitioner was not required.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. The allegations levelled in the FIR and the criminal antecedents of the petitioner do not entitle the petitioner to the grant of bail. He, however, does not dispute the stage of Trial and the period of custody undergone by the petitioner.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations in the present FIR shall be adjudicated upon during the course of Trial. The petitioner is in custody since 30.03.2022 and none of the 15 prosecution witnesses have been

examined so far. As such, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Lakhwinder Singh @ Kala Babe Ke son of Darshan Singh Ram 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.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the case mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.01.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No