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**2023:PHHC:055243
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-17712-2023
Date of Decision: 20.04.2023**

LAKHWINDER SINGH @ LAKHA SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Mahajan, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 54 dated 21.04.2022 under Sections 308, 325, 341, 367, 34 IPC, registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.
2. Custody certificate has been taken on record.
3. Briefly, as per the allegations Nirmal Singh, co-accused had inflicted injury by means of stick on the right leg, the petitioner caught hold of the injured namely Harjinder Singh and threw him on the ground. Inderjit Singh, co-accused inflicted *dang* blow on the left leg. Nirmal Singh gave leg blows on the head of the injured.
4. Learned counsel for the petitioner contends that no injury has been attributed to the petitioner and as per the medical opinion, two injuries were found on the lower limb of the injured, who is the son of the complainant. Nirmal Singh, co-accused who has been attributed with the injury has been granted regular bail by the Coordinate Bench of this Court in terms of the order dated 11.11.2022 passed in CRM-M-44798-2022 after he had undergone custody for a period of 3 months and 4 days. Other co-accused namely Inderjit Singh has been

granted interim anticipatory bail. The petitioner is in custody for a period of 3 months and 18 days and not involved in any other case.

5. Learned State counsel has opposed the bail application on the score that there are serious allegations attributed against the petitioner. Though the challan has been presented but the charge is yet to be framed.

6. It is significant to note that the injuries attributed to the co-accused are on the lower limb of the injured. It will be a debatable and moot point as to whether the offence under Section 308 IPC is attracted or not. No specific injury has been attributed to the petitioner. Nirmal Singh, co-accused who has been attributed with the injuries has been granted regular bail by the Co-ordinate Bench of this Court. Custody certificate indicates that the petitioner is in custody for a period of 3 months and 18 days and not involved in any other case. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

20.04.2023

Janki

(VIVEK PURI)
JUDGE

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