

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

245

CRA-S-1596-2023 (O&M)

Date of Decision: 21.08.2023

LAKHVINDER SINGH @ LAKHA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Challenge in the present appeal is to the order dated 17.05.2023 passed by the learned Additional Sessions Judge, Sangrur, vide which the application filed by the appellant seeking regular bail in case bearing FIR No.29 dated 15.03.2023, under Sections 379-B, 341, 323, 506 and 34 IPC and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act, registered at Police Station Sadar Sangrur, has been dismissed.

Status report by way of an affidavit dated 21.08.2023 of the Deputy Superintendent of Police, Sub-Division Sangrur, filed on behalf of the respondent-State, in the Court, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case; that only fist blows on the person of injured/complainant, namely, Dalvir Singh, have been

attributed to the appellant; that the appellant has been in custody since 16.03.2023; that no recovery had been effected from the appellant and that co-accused, namely, Balvir Kaur, who is the wife of the appellant and has been attributed slipper blows, has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 01.06.2023. He further submits that as far as two other cases registered and/or pending against the appellant, under the Excise Act, are concerned, he is on bail in those cases. Still further, it is submitted that initially the appellant along with his family members were residing in the same Village as that of the complainant but later on shifted and that the appellant was not aware of about the Caste of the complainant as, now, he is a resident of Ward No.13, District Sangrur, whereas the complainant is a resident of Kamo Majrakhurd, Sadar Sangrur, Sangrur.

Per contra, while opposing the prayer for grant of regular bail to the appellant, learned State counsel does not dispute the custody period of the appellant. He, however, submits that the motorcycle and mobile phone of the complainant are with the son of the appellant, who is yet to be arrested; that the entire episode was captured in a video footage, which is with the investigating agency and that in the said video the petitioner, along with his wife and son, can be seen beating the complainant. He further submits that the appellant is a habitual offender and facing two more Excise Act cases, though on bail and that the prosecution evidence is yet to conclude and thus, the appellant be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The appellant has been in custody since 16.03.2023. Only fist blows have been attributed to the appellant. Co-accused, who is the wife of the appellant, has since been enlarged on regular bail. As per the learned counsel for the appellant, the appellant was not aware of about the Caste of the complainant as he is a resident of different Village and the complainant is a resident of different. Prosecution evidence is yet to conclude. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the appellant behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present appeal is allowed and the appellant is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

21.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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