

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

CRM-M-35456-2020 (O&M)
Date of Decision:-17.01.2023

LAKHVIR SINGH @ LAKHA BABA @ DEEP

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.101 dated 22.6.2019 registered under Sections 302, 34, 120-B and 148 IPC and Section 52-A Prison Act, at Police Station Sadar Nabha District Patiala.

As per the allegations recorded in the FIR under trial prisoners namely Maninder Singh @ Jassa and Gursewak @ Bhoot attacked another under-trial prisoner namely Mohinder Pal @ Bittu and caused injuries to him in the premises of New District Jail Nabha as a result of which said Mohinder Pal @ Bittu later on died.

The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and he was not named in the FIR and later on nominated as accused on the basis of alleged disclosure made by aforesaid Maninder Singh and Gursewak Singh to the effect that the iron rods used by them in commission of murder of Mohinder Pal @ Bittu were supplied to them by the present petitioner. The counsel for the petitioner further submits that during investigation Maninder Singh and Gursewak Singh were arrested and the iron rods used by them in commission of crime were recovered from their possession vide recovery memo (Annexure P-5). The counsel for the petitioner further submits that the petitioner is in custody for the last 6 months and all the witnesses are official witnesses and it will take considerable time for the trial to conclude, so prayer is made that petitioner be released on regular bail.

The instant petition is contested by the State counsel, who on instructions from Inspector Gurpreet Singh submits that the petitioner was not named in the FIR but later on his name surfaced in the disclosure statement of Maninder Singh and Gursewak Singh and they disclosed that the iron rods with which they murdered Mohinder Pal @ Bittu were supplied to them by the petitioner who at the relevant time was also lodged in the same jail. The State counsel further apprised the Court that trial is going on and till date 7 witnesses are examined out of total 29 witnesses on behalf of the prosecution and that all the prosecution witnesses are official witnesses.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and was arraigned as accused on the basis of disclosure made by co-accused Maninder Singh and Gursewak Singh both of whom were named in the FIR to be the persons who committed murder of Mohinder Pal @ Bittu another undertrial prisoner lodged in New District Jail, Nabha and that the iron rods used by them in commission of crime were provided to them by the petitioner. As per prosecution version the said iron rods were later on got recovered by aforesaid Maninder Singh and Gursewak Singh. The exact complicity of the present petitioner would be unfolded during the trial and the trial is in progress and already seven witnesses stand examined on behalf of the prosecution but it will take considerable time for the trial to conclude further as has been submitted by the State counsel all the witnesses are official witnesses. So there will be no apprehension that if released on bail the petitioner is going to influence the said witnesses.

In the light of the above, this Court is of the considered view that no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

17.01.2023
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No