

223CRM-M-34218-2023

Date of Decision: 21<sup>st</sup> July, 2023

Lakhwinder Singh @ Lakha Fouji... Petitioner

Versus

State of Punjab... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. PBS Goraya, Advocate for the petitioner.

Mr. H.S. Sitta, Deputy Advocate General, Punjab.

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**AVNEESH JHINGAN , J.(Oral)**

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

| FIR No. | Date      | Police Station        | Sections                                                                                |
|---------|-----------|-----------------------|-----------------------------------------------------------------------------------------|
| 30      | 28.4.2023 | Verka, Amritsar Rural | 25 and 27 of Arms Act, 1959<br>and<br>Section 336, 341 and 307 IPC, 1860 added later on |

2. The FIR was registered at the instance of Nishan Singh. As per the allegations, on 28.4.2023 the complainant was coming by a tractor-trolley after selling his wheat produce in Mandi. On the way, the rider of scooter bearing registration No. PB-02-DW06684 signalled him to stop. The complainant did not stop the tractor-trolley. At some distance, the rider brought scooter in front of the tractor and fired 3-4 shots in the air. In the supplementary statement given on 30.4.2023, the complainant named the petitioner-Lakhwinder Singh @ Lakha Fouji. He further stated that shots were fired with an intention to kill.

3. Learned counsel for the petitioner submits that petitioner is in custody since 30.4.2023, investigation is complete, no further recovery is to be made and petitioner is not involved in any other case. The contention is that it is a case of no injury.
4. Learned State counsel opposes the prayer and submits that the weapon used in the incident was recovered from the petitioner. He fairly submits that petitioner is not involved in any other case.
5. Without commenting on the merits of the case and considering the facts that though investigation is complete conclusion of trial is likely to take time, it is a case of no injury, antecedents of the petitioner are clean, no further recovery is to be made from the petitioner, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
6. The petition is allowed.
7. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)  
JUDGE

21<sup>st</sup> July, 2023  
*anuradha*

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|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |