

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37255 of 2022 (O&M)

Date of decision: 13th March, 2023

Lakhwinder Singh @ Bhandari

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikasdeep Singh, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is second petition seeking regular bail in FIR No. 7 dated 31.1.2020, under Sections 307, 326, 341, 323, 324, 148 and 149 IPC, registered at Police Station Fathu DHINGA, District Kapurthala.

The earlier petition was dismissed as withdrawn on 15.7.2022 as the petitioner had wrongly pleaded that he was not declared proclaimed offender.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.9.2021, there is no progress in the trial. It is argued that the petitioner, as per contents of the FIR, was empty handed and has been attributed injury in a supplementary statement of the injured. The contention is that the petitioner is not involved in any other case. Learned counsel for the petitioner claims parity with co-accused Kamalpreet Singh @ Padda who was granted bail by this court on 5.11.2020 in

CRM-M-34682 of 2020 by passing the following order:

“The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.7 dated 31.01.2020 under Sections 307, 341, 323, 324, 148, 149 IPC registered at Police Station Fattu DHINGA, District Kapurthala.

As per allegations in the FIR, petitioner and coaccused Shankar Singh hit husband of the complainant i.e. Narinder Singh with their karhas (iron bangles) on head. Due to the injuries, the head got cut and blood started oozing out. In the second part of allegations, Shankar Singh with an intention to kill husband of the complainant gave a blow with his kirpan towards the head of husband of complainant. The kirpan blow hit him on his right eye and right side of forehead when he was lying on the ground.

The injury falling under Section 307 IPC is attributed to Shankar Singh. The injury attributed to the petitioner falls under the ambit of Section 324 IPC.

Co-accused Amarjit Singh @ Amit has been granted regular bail by this Court in CRM-M No.20711 of 2020 vide order dated 11.08.2020. Co-accused Mangal Singh has also been granted regular bail by this Court in CRM-M No.18828 of 2020 vide order dated 04.08.2020.

Petitioner is in custody since 22.06.2020.

The factual position of the case could not be disputed by learned State counsel on instructions from ASI Kashmir Singh, except to state that the petitioner is involved in the occurrence and he is also the author of head injury from where the intention can be inferred.

Having heard learned counsel for the parties and keeping in view the status of the case, the part attributed to the petitioner and bail to co-accused, I deem it appropriate to enlarge the

petitioner on regular bail.

Keeping in view the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.”

Learned counsel for the State opposes the prayer for grant of bail and submits that the petitioner remained proclaimed offender for almost one year.

Learned counsel for the petitioner at this stage submits that to show the *bonafide*, the petitioner is ready to furnish heavy surety.

Without commenting on the merits of the case, having conspectus of the facts and considering that in the initial version no injury was attributed to the petitioner as he was stated to be empty handed and other co-accused has been granted bail by this court, the petitioner is granted bail subject to his furnishing bail/surety bonds of Rs.2,00,000/- to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

13th March, 2023

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |