

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38442-2022

Date of Decision: 13.2.2023

Lakhvir Singh @ Kalu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Kanica Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.3 dated 4.1.2021 registered for the offences punishable under Sections 302, 341, 342, 148, 149 IPC at Police Station Dhariwal, District Gurdaspur.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely named in the FIR but no specific allegations are there against the petitioner and that co-accused Lovepreet Masih @ Love against whom there are specific allegations that he gave brick blow on the head of the deceased, is already given benefit of regular bail vide order dated 4.2.2022 (Annexure P-4). He further contends that during the trial, main witness namely Saurav, who as per prosecution story, witnessed the alleged occurrence, has not supported the case of the prosecution and on this sole ground, similarly situated co-accused-Gagandeep Singh @ Gagan, Vicky, Ranjodh Singh @ Jodha and Lovepreet Masih @ Love are already given

benefit of regular bail vide orders Annexure P-4 (collectively). He further submits that the petitioner is in custody for the last more than 2 years and is having no criminal history. So, prayer is made that the petitioner be released on regular bail.

Present petition is contested by the State counsel who on instructions from ASI Balbir Singh, submits that the petitioner is named in the FIR and he attacked the victim with base ball bat which was later on recovered by the police after arrest of the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 2 years and that eye witness Saurav failed to support the case of the prosecution and further that all the other accused persons are already granted regular bail vide Annexure P-4 (collectively).

In view of the above, as the star witness failed to support the case of the prosecution and that the petitioner is in custody for the last more than 2 years and similarly situated co-accused are given concession of bail, no, purpose is going to be served by prolonging the judicial custody of the petitioner.

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

(KARAMJIT SINGH)
JUDGE

February 13, 2023
Paritosh Kumar

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