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2023:PHHC: 055893

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42150-2020
DECIDED ON: 19.04.2023

LAKHWINDER SINGH @ LAKHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Somnath Tayal, Advocate for the petitioner.

Mr.Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

In the instant petition, petitioner seeks grant of regular bail under Section 439 Cr.P.C. in FIR No.122, dated 13.05.2020 under Sections 302, 427, 148, 149, 120-B IPC, Section 25 of the Arms Act and Section 201 IPC (added lateron), registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner contends that no injury has been attributed to the petitioner with an overt act in the instant FIR, which is being past for almost 3 years by now. Learned counsel has further asserted that he has been falsely implicated in the instant case and a perusal of the FIR would show that he was accompanied with deceased.

On the other hand, learned State counsel has produced custody certificate and also corroborate the facts that he has not been attributed any overt act as per the version narrated in the FIR wherein challan has also been filed on the same and charges has been framed. He further informed the Court that, out of 30 witnesses, only two have been examined so far by the trial Court and

according to custody certificate, petitioner has suffered 02 years, 11 months and 04 days. There is no other case, in which the petitioner is involved except 4 cases wherein he is on productions warrant.

Considering the fact that the trial is moving very slow and is likely to take long time, wherein out of 30 witnesses, 2 have been examined and the petitioner has suffered custody of 02 years, 11 months and 04 days. Apart from the fact that no direct evidence is there to involve the petitioner in the commission of the said offence, except he was accompanying the complainant, as per the plain reading of the FIR as well.

The petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate, Sangrur.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

19.04.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>