

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50136-2022

Date of Decision: 28.02.2023

Lakhwinder @ Gony

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Kamboj, Advocate for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. r.w. Sec. 482 Cr.P.C., for grant of regular bail in case FIR No. 341 dated 05.07.2022, registered under Sections 148, 149, 323, 325, 341, 427 and 506 IPC (Section 307 IPC was added later on) at Police Station Ambala City, District Ambala.

In brief, relevant facts of the case are that complainant-Monu gave a statement to the police that due to old enmity, during the intervening night of 03/04.07.2022, petitioner along with his friends had attacked upon his home and due to fear the complainant did not open the gate of the house. On 04.07.2022, at about 02:30 PM, after attending a court case, when the complainant was returning to his home on his motorcycle, co-accused-Harjot Singh along with his friends illegally restrained him and attacked upon him with deadly weapons and attempted to kill him. On raising hue and cry by the complainant, the assailants fled away from the spot by giving a threat to kill him in future.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The only allegation levelled against the petitioner is that he gave a *danda* blow on the back of the complainant whereas the injury which was declared grievous in nature was attributed to co-accused, namely; Vishal @ Bhola. Recovery of *danda* has also been effected from the petitioner. Petitioner is in custody since 29.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation, custody period of the petitioner and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner- Lakhwinder @ Gony, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 28, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No