

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.259

Case No. : CRM-M-52094-2022

Date of Decision : February 06, 2023

Lakha @ Lakhwinder Singh @ Golu Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Kunal Choksi, Advocate
for Mr. S. P. S. Khaira, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.270 dated 20.09.2021, under Section 307, 323, 324, 326, 341, 148, 149, 120-B IPC, registered at Police Station Focal Point, District Ludhiana.

The afore-said FIR in the present case was registered on the statement of complainant Ashok Kumar, wherein it was stated that on 15.09.2021, son of the complainant namely Abhishek Kumar went to Balmik Samaj Rally, Dugri where his motorcycle collided against the motorcycle of one Sahil and they had arguments. Sahil threatened his son that he would see him again and his son returned to the house. After some time, Sahil, Lakha (present petitioner) along with some other unknown persons came to the house of the complainant and abused them. The matter

was reported to the police but a compromise was effected between the parties. On 19.09.2021, his son Abhishek Kumar had gone to collect money from Nambardar. On the way, 6-7 unknown persons surrounded him and threw him on the ground with intention to kill him with their respective deadly weapons. Many injuries were caused on his body. They all ran away from the spot along with their deadly weapons. Some passer-by put his son in his car and took him to CMC Hospital.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only on account of previous occurrence. No specific injury has been attributed to the petitioner. He himself went to the Police Station on coming to know about registration of a case against him and he was arrested on 02.10.2021. He is in custody since then. The challan is already presented. Only three witnesses have been examined. Even main accused Sahil was declared innocent during investigation. In support of his contentions, learned counsel for the petitioner relies upon a judgment of Hon'ble Supreme Court in **Sanjay Chandra vs. CBI – (2012) 1 SCC 40.**

Learned State Counsel has opposed the bail petition but has fairly conceded that the petitioner is in custody since 02.10.2021 and only three formal witnesses have been examined so far.

Heard.

In this case, the FIR was registered against unknown persons and the petitioner was nominated thereafter. No specific injury has been attributed to the petitioner. The trial is going on at a slow pace. The petitioner is in custody for the last more than 01 year and 04 months. The

completion of trial will also take a long time. Therefore, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Ludhiana.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 06, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.