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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-444-2024 (O&M)  
Date of decision: 12.01.2024

Lakha Singh @ Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.J.S. Bajwa, Advocate for  
Mr. G.B.S. Dhillon, Advocate  
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

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MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of bail under Section 439 Cr.P.C. in case FIR No.55 dated 02.05.2017 under Sections 302, 307, 506, 336, 481, 149 of IPC and Section 25/27/54 of the Arms Act, 1959 registered at Police Station Kulgarhi, District Ferozepur.
2. It has been *inter alia* contended that the petitioner was arrested on 06.05.2017 and till now the trial has not concluded, hence, he cannot be made to suffer incarceration for an indefinite period. It has further been submitted that even otherwise a false has been planted upon him for having fired at the deceased along with nine others as a result of which the deceased met his end. Learned counsel submits that a false version having been brought forth against him, finds credence from the fact that there had

been an unexplained delay of more than nine hours in the recording of the FIR.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has placed on record the custody certificate of the petitioner, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

4. Learned State counsel has submitted that it is a case based on eye witness account, wherein the petitioner, who was one of the active participants in the crime in question, which was a pre-mediated attack. All the accused, including the petitioner, on reaching the fields of the complainant after raising *lalkara* fired at a point blank range towards the abdomen of the deceased. Besides the deceased, the accused party also fired at the other members of the deceased family. Learned counsel has also brought to the notice of this Court that the delay in the trial has been on account of an application under Section 319 Cr.P.C. being filed by the prosecution, which was subsequently allowed, as a result of which a *de novo* trial had commenced. Learned State counsel has still further submitted that the delay in trial has also been on account of the petitioner's involvement in a number of cases which find reflected in the custody certificate for which he was being taken on production warrants to different courts.

5. I have heard learned counsel for the parties and perused the relevant material on record, including the FIR.

6. *Prima facie* it comes across to be a pre-mediated attack carried out by all the accused, who were armed with fire arms; the ocular testimony also finds due corroboration with the medical evidence, which is evident

from the perusal of the post mortem report of the deceased, which is annexed as Annexure P-2, wherein as many as four fire arm injuries were found by the Doctors, who conducted the autopsy.

7. In the facts and circumstances as enumerated here-in-above, keeping in view the nature of the allegations, the role played by the petitioner and also his criminal antecedents, this Court does not deem it fit to extend the concession of bail to the petitioner.

8. Dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.01.2024  
Satyawar

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No