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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-1012-2024
Date of Decision: 05.07.2024**

Lakhvir Singh @ Lakha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. A.S. Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.28, dated 04.02.2020, under Sections 302, 382, 483, 201, 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 3 years and 2 months and 20 out of 41 prosecution witnesses have already been examined including the complainant and the complainant has not supported the prosecution version. He further submitted that it is a case of blind murder and as per the FIR, the name of the petitioner does not appear and it was only later on that the name of the petitioner was nominated by the Police because he was arrested in some other case in Madhya Pradesh and on the basis of the same, he was brought on production warrant

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and thereafter, some alleged recovery was effected from him. He submitted that be that as it may, now the custody of the petitioner is about 3 years and 2 months, therefore, he may be considered for grant of regular bail.

3. On the other hand, Mr. A.S. Pannu, learned AAG, Punjab has vehemently opposed the grant of regular bail to the petitioner on the ground that although the custody of the petitioner is 3 years and 2 months but it is a case where the petitioner along with two more co-accused had come on motorcycle where the deceased was present and the other two co-accused had fired bullets on the deceased due to which he died and thereafter, the other co-accused ran away in one I-20 car which belongs to the deceased whereas the present petitioner ran away on motorcycle. He submitted that it was after some time that these accused were arrested by the Madhya Pradesh Police in some other FIR and during the course of interrogation in the aforesaid FIR, the petitioner had made a statement before the police that he had committed the present offence as well. Thereafter, the petitioner was brought on production warrant and a recovery of the aforesaid motorcycle was made from the petitioner under Section 27 of the Evidence Act. The I-20 car which was snatched by the petitioner and other co-accused was recovered by the Madhya Pradesh Police in the aforesaid offence. He further submitted that the petitioner is involved in 10 more cases, out of which, he has also been convicted in two cases i.e one case under Section 379-A and the other case is under the Arms Act. He also submitted that there is a reasonable apprehension that in case the petitioner is released on regular bail, then he may not only abscond from justice but he may also repeat the offence and may influence the witnesses and therefore, the petitioner does not deserve the concession of regular bail. He also

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submitted that it is correct that 20 out of 41 cited witnesses have been examined.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner is 3 years and 2 months. As per the learned State counsel, the petitioner is involved in 10 more cases, out of which, he has also been convicted in two cases i.e. one case under Section 379-A IPC and the other one is under the Arms Act. However, during the course of arguments the learned counsel for the petitioner stated that the petitioner is also acquitted in one case.

6. Considering the allegations and the role of the petitioner and also the gravity of the offence whereby as per the allegations, the petitioner along with other co-accused had come on motorcycle and the other co-accused had fired bullets on the deceased, who died and thereafter, the other co-accused had fled away in I-20 car which was ultimately recovered from them by the Madhya Pradesh Police in some other case and so far as the motorcycle on which the petitioner had allegedly run away is concerned, was recovered by the Madhya Pradesh Police under Section 27 of the Evidence Act. Therefore, this Court is of the view that considering the role and gravity of the offence and also the fact that petitioner is also involved in 10 more cases and apart from the above, the apprehension which has been expressed by learned State counsel that in case the petitioner is released on bail then he may not only abscond from justice but may also repeat the offence and may influence the witnesses, the petitioner does not deserve the concession of regular bail.

8. Consequently, the present petition is hereby dismissed.

9. However, anything observed hereinabove shall not be treated as an



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expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.07.2024

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |