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

CRM-M-8362-2024**Date of Decision: 06.08.2024**

Lakhwinder Singh @ Lovely

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0140 dated 13.09.2023 registered under Sections 302, 307, 324, 506, 148, 149 of IPC, 1860 and Section 25 of Arms Act, 1959, at Police Station Nangal, District Rupnagar.
2. The FIR in the present case was registered on the basis of the statement made by Rajni wife of Manjinder Singh and the same has been reproduced below:-

“Statement of Rajni wife of Manjinder Singh, resident of Village Palasi, Police Station Nangal, District Rupnagar, aged about 34 years, Mb. NO. 98769-50326, stated that I am resident of above said address and is a housewife. I have one daughter. My husband Manjinder Singh son of Harmesh Singh, is an agriculturist. Yesterday, on dated 12.09.2023, due to lower B.P., I was admitted in Dhanwantri Private Hospital at Gholani, at about 6:00 P.M. when I and my mother-in-law were at hospital



then doctor applied drip upon me. Thereafter I called my husband to come in the hospital by sending him message, whereas my mother-in-law went back to home with another boy at around 8:15 P.M., In the meantime 9-10 boys with muffled face armed with weapons viz Kirpan, Gandassa, pistol attacked on my husband Manjinder Singh. When all the accused persons were causing injuries to my husband with their weapons then I came forward to save my husband, who fell down, then Bikke and Prince attacked me with sword with intention to kill me, which hit on my right hand, when I raised my right hand to save myself. Then when I fell down then other accused also attacked with the respective weapons, who hit my left arm and right leg. These persons, who I identified, were Bikka resident of Village Palasi, Prince resident of Bhalri, Kaka resident of Bhalan, Ruppia resident of Gohlani, Mukesh Kumar @ Nasha resident of Village Suhara, Laddu resident of Village Bhalri, Gallu resident of Village Malakpur and two unknown persons attacked my husband till the time he was on his deathbed. They inflicted injury on my husband's head, ear, arms both the hand, back, shoulder, both legs and ankles. Then Bikka, Kaka, Rupa and one person with muffled face, were having pistol/ country made pistol, then Bikka tried to fire with his pistol towards the chest of my husband and then I pulled my husband and the fire hit on the shoulder and arms of my husband. While going away, they were raising lalkaras that he committed the murdered of my brother. Then I tried to lock the door, then they after picking the CCTV DVR etc., damaged our Innova care and ran away from the spot and after hearing the hue and cry number of persons gathered there. Then our neighbour Bindu who came to the hospital and then I and Bindu, Ajay resident of Palasi took my husband in serious condition to Gurdev Hospital Nurpur Bedi on Innova Car, which was damaged by them. After seeing the serious condition of my husband, he was referred to PGI Chandigarh, where I



alongwith our cousin brother namely Harjinder Singh Jindu son of Baldev Singh, resident of Palasi reached at PGI Chandigarh whereas doctor declare my husband dead, whereas I was treated for my right hand, left arm and right leg injuries. Motive behind the occurrence is that in year 2010, Manjinder Singh and other persons had committed murder of Prince, who is brother of Bikka. So, due to this grudge, Bikka alongwith his companions after attacking us, has murdered my husband and also damaged our Innova Car. Strict legal action may be taken against them. We were under the threat from them. On the spot the hospital staff and other patients were also present there. I have got my statement recorded at PGI Chandigarh and same is correct Sd/- Rajni wife of Manjinder Singh, RTI verified Sd/- Harjinder Singh son of Baldev Singh resident of Village Palasi, P.S. Nangal 97791-44169, attested by Sd/- Sunny Khanna, SHO P.S. Nangal 13.09.2023.) ”

3. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor he was present at the spot. He further contends that as per the case set up by the prosecution, the petitioner had not participated in the alleged occurrence and his name has surfaced only during the course of investigation in the disclosure statement of the co-accused. Learned counsel further contends that the petitioner had no concern or any connection with any of the co-accused and the police had falsely involved him with some ulterior motive. He further contends that in the present case, the allegations were levelled against Bikka, Laddu, Prince, Ruppa and Kaka and most of the accused, who had participated in the occurrence, have already been arrested by the police. Learned counsel further contends that it has been falsely alleged that the petitioner had done the recce of the area and had informed the assailants



about the presence of the victim at the place of occurrence. However, there is no legally admissible evidence against the present petitioner and he has been arrayed as an accused only on the basis of suspicion. The petitioner was arrested on 16.09.2023. He further contends that one more case under 307 IPC was registered against the petitioner, but the petitioner is on bail in the said case.

4. On the other hand, learned State counsel has filed the short reply by way of affidavit of Deputy Superintendent of Police, Nangal, District Rupnagar in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was admittedly not present at the place of occurrence and his case is clearly distinguishable from the other accused, namely, Bikka, Laddu, Prince, Ruppia and Kaka, who had allegedly participated in the commission of crime. The only allegation against the petitioner is that he had conspired with the main accused in the present case and had informed them about the presence of the victim at the place of occurrence. The petitioner is in custody since 16.09.2023 and out of total 32 prosecution witnesses, no witness



has been examined so far. Thus, the conclusion of the trial may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

06.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No