

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

**CRM-M No. 15444 of 2024 (O&M)
Date of Decision: 06.05.2024**

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. Rahul Jindal, Assistant Advocate General, Punjab

Mr. Nirmaljit Singh Sidhu, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.95, dated 29.06.2022, under Sections 302 & 34 of IPC, registered at Police Station Subhanpur, District Kapurthala, wherein he has been implicated with the allegations of having inflicted injuries upon the person of one Jasvir Singh (deceased), who happened to be his brother and husband of the complainant-Satvir Kaur (wife of deceased).

[2] Learned State Counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to the allegations levelled in FIR (supra) and the active role played by the petitioner in the incident in question.

[3] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[4] Leaned counsel for the petitioner has referred to the statement of complainant-Satvir Kaur, who appeared before the trial Court as PW-4, wherein she has not supported the prosecution version. Relevant extract (para-2) from her statement which was recorded on 29.04.2024 is recapitulated hereunder:-

“ 2. On 28.06.2022 I was present at my house and some body outside my house called my husband Jasvir Singh. I was busy in my house hold work, so, I do not know who had came to call my husband. My husband left the house. I did not accompany my husband when he went outside and after some time a message came to my house that my husband had a cardiac arrest on which I rushed towards him from where he was taken to civil hospital, Kapurthala and he was declared dead. No body assaulted my husband due to which he died. My husband was a heart patient. His brother Lakhwinder Singh, Harjinder Singh accompanied with Sukhwinder Kaur and Karamjit Singh had never assaulted him.”

In view of the above, once the complainant-eye witness has not supported the prosecution version, at this stage, the investigation stands concluded with the filing of challan followed by framing of charges; the petitioner is behind the bars since 06.07.2022, i.e. for the past about one year and ten months, besides it, no other case is pending against him and the conclusion of trial may take some time, this Court does not find any

justification to extend the incarceration of the petitioner any further.

[5] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 06, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>