

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

CRM-M-15640-2024

Date of Decision:-05.04.2024

Lakhwinder Singh @ Lucky.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Davinder Singh Saini, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.0100 dated 27.11.2023 under Sections 379-B, 379, 34 IPC (later on offence under Section 411 IPC added) registered at P.S. Ladhuwal, District Ludhiana.

2. The present FIR came to be registered at the instance of SI Gurmit Singh and reads as under:-

*“ To SHO Police Station Ladhuwal Ludhiana. Jai Hind.
Today I SI, along with ASI Surinder Singh No 769/ Ldh, HC Hardeep Singh No 3407/Ldh, HC Balwinder Singh 2943 /Ldh, C Jaswinder Singh No 2542/Ldh, Lady Constable Rajvir Kaur No 1112/Ldh. were present at PulliBudha Daria, Village Gauspur PS Ladhowal Ludhiana on private vehicle in connection with patrolling duty for search of suspicious and anti social elements.
In the meantime, a secret informer came present before me and informed that Lakhwinder Singh alias Lucky S/o Dharamvir Singh R/o Village Fathegarh Gujra PS Ladowal Ludhiana, Hari Om S/o Raj Kumar, R/o Quarter Goyal Estate, Village Fathegarh Gujra*

PS Ladowal Ludhiana, Sandeep Singh alias Sunil S/o Tilak Raj R/o Village Talwandi Kalan, PS Ladhowal, District Ludhiana who are committing theft of Motor Cycle and used to snatch cash and mobile phone from passers by, by giving them fear of dattar, kirpan and rod. Jograj Singh alias Joga S/o Jasvir Singh R/o Village Talwandi Kalan PS Ladhowal, Ludhiana used to sell stolen mobiles after purchasing the same. At this time, Lakhwinder Singh alias Lucky, Hari Om and Sandeep Singh alias Sandeep Singh alias Sunil are coming to Hambran side from side of Nurpur duly armed with Datar and Kirpans on stolen motor cycle make Hero Splender Colour Black. If NaqaBandi is conducted here, then they can be apprehended. The information is reliable and fulfils the requirement of commission of an offence U/s 379-B/379/34 IPC, upon which ruka through Lady Constable Rajvir Kaur No 1112/Ldh is being sent to Police Station for registration of case against aforesaid Lakhwinder Singh alias Lucky, Hari Om and Sandeep Singh alias Sandeep Singh alias Sunil and Jograj Singh alias Joga resident of aforesaid. After registration of case, FIR number being informed. Special Reports be issued and control room be informed. I ASI along with officials are busy in investigation at the spot. Sd/- Gurmeet Singh SI Incharge Police Post Hambran PS Ladowal Dated 27.11.2023”.

3. Pursuant to the registration of the FIR, the petitioner was arrested and got recovered multiple phones, a *dattar* and a motorcycle.

4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. There was neither any evidence that the petitioner had snatched any article by using any weapon nor was there any evidence of theft of mobile phones and the motorcycle. However, taking the allegations to be correct, the offence, if any was under Section 411 IPC. As the petitioner was a first-time offender, in custody since 27.11.2023 and none of the 13 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail, moreso,

when co-accused, namely, Hari Om, Jograj Singh @ Joga and Sandeep Singh @ Sunil had been granted the concession of bail.

5. The learned counsel for the State, on the other hand, contends that the allegations against the petitioner and his co-accused were grave. Recoveries of mobile phones, a motorcycle and a *datar* had been effected from the petitioner. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 27.11.2023, none of the 13 prosecution witnesses had been examined so far and that three co-accused had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, he is in custody since 27.11.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when three co-accused, namely, Hari Om, Jograj Singh @ Joga and Sandeep Singh @ Sunil have been granted the similar relief.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, **Lakhwinder Singh @ Lucky** son of Sh. Dharamvir Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

10. In addition, the petitioner (someone else on his behalf) shall

prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. This petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 05, 2024
Vinay

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