

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

CRM-M-18340-2024

Date of Decision:-22.04.2024

Lakhwinder Singh @ Lakha.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Salil Dev Singh Bali, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, 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 FIR No.52 dated 16.06.2023 under Sections 52 dated 16.06.2023 under Sections 307, 326, 324, 34 IPC registered at Police Station Arniwala, District Fazilka.

2. The present FIR came to be registered at the instance of Simarjit Kaur wife of Yadwinder Singh which reads as under:-

“ Statement of Simarjit Kaur W/o Yadwinder Singh S/o Baldev Singh R/o Village Banawali aged about 48 years Mobile No. 6239995479 stated that I am resident of aforementioned address and do household work. I was married about 27 years back to Yadwinder Singh S/o Baldev Singh R/o Banawali and we have two children out of which the elder is girl namely Abhiruchi and younger one is son namely Mahesh Inder Singh. My husband have

20 Killa land. On 11.06.2023 in the morning my husband Yadwinder Singh along with Sonu S/o Sukha Singh R/o Banawala went to our land for doing daily work which is situated at Arniwala road. Thereafter my husband came to the house at 5 PM in the evening for taking tea and after taking tea he went back. At about 5.40 PM I came to know that two persons who had come on a motorcycle have injured my husband with Kappa and Swords. Immediately thereafter Yadwinder Singh S/o Malkit Singh R/o Banawali came to our house and along with him I went to the our agriculture fields where my husband was lying unconscious and there were lot of injuries in his head and body and blood was oozing out of the head and the head was badly injured. After arranging the vehicle we took him to Bharat Hospital Bhatinda where the treatment of my husband went on. On 14.06.2023 for further treatment my husband was taken to DMC Ludhiana where he is under treatment. He comes in his senses sometimes and he told me that he was given injuries by Lakhwinder Singh @ Lakha Sto Avtar Singh and his son Inderjit Singh R/o Banawali. The cause of the occurrence is that Lakhwinder Singh use to alleged that my husband Yadwinder Singh is having illicit relationship with his wife and therefore Lakhwinder Singh S/o Avtar Singh and Inderjit Singh S/o Lakhwinder Singh in order to kill my husband have injured him. Legal action be taken against them. Statement given and found to be correct. SD/- Simarjit Kaur."

3. The learned counsel for the petitioner contends that no offence under Section 307 IPC is made out. The alleged occurrence took place on 11.06.2023 but the instant FIR came to be registered after 05 days on 16.06.2023. Surprisingly, the statement of injured Yadwinder Singh was recorded on 02.07.2023 despite the fact that the injured was hale and hearty and fit to make statement. Be that at it may, as the petitioner was a first time offender, in custody since 17.06.2023 but none of the 18 PWs have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail, moreso

when the injured had not suffered any permanent impairment and was in a hale and hearty condition.

4. The learned State counsel on the other hand contends that the allegations levelled against the petitioner did not entitle him to the grant of bail. The injury caused by him was a fracture on the skull and therefore prima facie the offence under Section 307 IPC was clearly made out. He however concedes that the petitioner was a first time offender, in custody since 17.06.2023, that none of the 18 Pws have been examined so far and that the injured had not suffered any permanent impairment.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Taking the allegations to be correct though the petitioner has been attributed the injury attracting Section 307 IPC the injured was discharged in a hale and hearty condition and has not suffered any permanent disability. The petitioner is stated to be first time offender, in custody since 17.06.2023 but none of the 18 prosecution witnesses had 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.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Lakhwinder Singh @ Lakha** son of Sh. Avtar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone 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.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 22, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>