

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

226

2024:PHHC:098069

**CRM-M-20921-2024****Date of decision: 01.08.2024**

**Lavinder Singh @ Lali and another
Versus**

....Petitioners**State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms.Arshdeep Kaur, Advocate
for the petitioners.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioners crave for indulgence of this Court for their being enlarged on regular bail, in case FIR No.0003 dated 15.01.2024, under Section 341, 323, 34, 411 IPC, registered at Police Station Sherpur, District Sangrur (Annexure P-1).

ALLEGATIONS AGAINST THE PETITIONERS

2. On the basis of statement suffered by the complainant, Raj Kumar, the aforesaid FIR, has been registered. The complainant has stated that he is working with one Jagdish Kumar and Amrik Jolly, who were liquor contractors at Sherpur. On dated 14.01.204, he was present at liquor vend and had bolted the liquor vend from inside. At about 4:00 pm, one Verna car came from the said of village Wazidpur Badesa, and three persons alighted from the said car and they took a bottle of liquor from the vend and started

drinking while sitting in car. At about 4:30 pm. Hakam alias Kala came there and complainant was sitting inside the liquor vend. At about 6:15 pm, two occupants of the said car came to him and told that there was a snake near liquor vend, due to which complainant got perplexed and came outside. Both the said persons surrounded him and started beating him with sticks. When he raised his hand to save himself, they inflicted injuries on complainant's hands and head. Complainant raised hue and cry and he fell down and Hakam Singh saved him. Then third person came out from the car and all three persons entered in liquor vend and snatched Rs.15-20 thousand and fled from the site. During investigation, an FIR registered against the present petitioners.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

3. Learned counsel for the petitioners submits that there is no evidence with the prosecution to connect them with the said occurrence. He further submits that the petitioners have suffered incarceration of 04 months and 26 days as on today. Counsel further submits that they were involved in one other case in which they were on bail. The conclusion of trial in the instant case will take time, and no prosecution witness has been examined so far.

4. The learned counsel for the petitioners, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Petitioners have suffered incarceration of 04Months and 26, as on today;

(ii) The trial of the case is at an initial stage.

iii) That the charge has not been framed so far and no prosecution witness has been examined.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

5. Learned State counsel has filed the custody certificate of the petitioners which are taken on record. A perusal of it, the petitioners are involved in more case wherein they are on bail. He further submits that final report has been filed in the matter on 01.05.2024 and charges have not yet been framed. He further submits that the prosecution as cited 13 witnesses.

Per contra, the learned State counsel, has vociferously opposed the grant of regular bail to the petitioners that they are involved in more case wherein they are on bail. He further submits that final report has been filed in the matter on 01.05.2024

06. This Court has examined the instant petition and is of the considered opinion that the instant petition is amenable for being allowed.

07. The reason for forming the above inference emanates from the factum that:- (i) The petitioners have suffered incarceration of 04 months and 26 days; (ii) No fruitful purpose would be served by keeping the petitioners behind the bars, (iii) Trial is not likely to conclude anytime soon.

FINAL ORDER

08. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioners are ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

09. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

10. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

11. All pending application(s) stand **disposed** of accordingly.

01.08.2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No