



CRM-35032-2024 in/and
CRM-M-29902-2024

1

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-35032-2024 in/and
CRM-M-29902-2024
Decided on : 19.09.2024

LOKESH KUMAR @ LOKESH DHIMAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jagjeet Singh, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

CRM-35032-2024

This is an application for placing on record certain relevant documents
as Annexures P-3 to P-5.

2. Heard. For the reasons mentioned in the application, the same is
allowed and Annexures P-3 to P-5 are taken on record subject to all just
exceptions.

Main Case

The jurisdiction of this Court under Section 439 of Cr.P.C. has been
invoked for grant of regular bail to the petitioner in case FIR No.45 dated
05.03.2024, registered under Sections 323, 342, 294, 295-A, 147 and 149 of IPC,
at Police Station Jamalpur, District Police Commissionerate Ludhiana.



CRM-35032-2024 in/and
CRM-M-29902-2024

2

2. The brief facts of the are that FIR was registered on the statement of Sahib Singh stating that he had purchased a plot for constructing a Church due to which the petitioner was having a grudge against him. Whenever they had a satsang, then he used to bring some people and disturb the satsang. On 01.03.2024, he along with Rahul Kumar were present in the church where Jatinder Gorian along with 3-4 unknown persons came there and Lokesh (petitioner) along with some women from his family came there and started abusing him and threatened the complainant. They forcibly took the complainant to the house of the petitioner, where other persons were also present where caused injuries to him.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and injury attributed to the petitioner is simple in nature. He also submits that the complainant has also given beatings to the wife of the petitioner. The petitioner has already undergone an actual custody of 05 months and 01 day and he is not involved in any other criminal case. He further submits that co-accused have been granted benefit of anticipatory bail by trial Court vide order dated 24.07.2024 passed in BA/5589/2024 titled as ***Jatinder Kumar Vs. State of Punjab*** and order dated 23.08.2024 passed in BA/12379/2024 titled as ***Kajal Dhiman Vs. State of Punjab etc.***

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 01 day and there is no other case registered against him. He further on instructions submits that the challan was presented on 15.06.2024 and the charges have yet not framed. However in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



**CRM-35032-2024 in/and
CRM-M-29902-2024**

3

5. Heard the rival submissions made by learned counsel for the parties.
6. Admittedly, the petitioner has undergone actual custody of 05 months and similarly situated co-accused(s) have been granted concession of anticipatory bail by trial Court vide order dated 24.07.2024 passed in BA/5589/2024 titled as ***Jatinder Kumar Vs. State of Punjab*** and order dated 23.08.2024 passed in BA/12379/2024 titled as ***Kajal Dhiman Vs. State of Punjab etc.*** The injuries attributed to the petitioner is simple in nature. Considering the fact that charges have yet not framed and the conclusion of the trial will take considerable time, further incarceration of the petitioner will not serve any purpose.
7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-
- (i) The petitioner will not tamper with the evidence during the trial.
 - (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
 - (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
 - (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



CRM-35032-2024 in/and
CRM-M-29902-2024

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

19.09.2024
Kavita

(KIRTI SINGH)
JUDGE

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