

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41962-2023
DECIDED ON: 29.01.2024

LAKHWINDER SINGH @ DEEPA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 124, dated 04.06.2022, under Sections 395, 397, 458, 347 and 411 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 registered at Police Station City Kapurthala, District Kapurthala.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is asserted that the petitioner has not been named in the FIR and no specific allegation has been attributed to the petitioner. The assertion is that the allegations made in the FIR are against some unknown persons.
3. It is further asserted that the co-accused of the petitioner namely Lakhvinder Singh @ Lucky @ Lakha and Agyapal Singh have already been granted the concession of regular bail by this Court vide orders dated 15.12.2022,

02.03.2023 (Annexures P-2 & P-3 respectively) passed in CRM-M-57705-2022, CRM-M-8777-2023 respectively.

4. Custody certificate of the petitioner filed by learned State counsel in Court today is taken on record, which depicts that the petitioner has already undergone the sentence for a period of 1 year, 7 months and 23 days.

5. Without going into the merits of the case and considering the facts that recovery has already been effected; nothing is to be recovered from the petitioner; the petitioner is behind the bars for the last 1 year, 7 months and 23 days added with the fact that no custodial interrogation is required and conclusion of the trial is likely to take long time, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

6. In the light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. The present petition, is hereby allowed.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

29.01.2024

Meenu

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