

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

CRM-M-42738-2024

Date of Decision: 09.09.2024

Lakhwinder Singh @ Lakhvir Singh @
Lakha

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mohit Kumar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.103 dated 08.07.2018 registered under Sections 341, 323, 506, 148, 149 of IPC (Section 302 of IPC added later on), at Police Station Dirba, District Sangrur.

2. Learned counsel for the petitioner contends that in the present case, the petitioner has been falsely involved by the complainant side. In fact, the complainant side was the real aggressor and had caused injuries to the petitioner and other accused in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 04.08.2018 and is in custody for the last more than 06 years and 01 month. He further contends that 11 other co-accused, who are similarly placed, have already been granted the concession of bail by this Court and no purpose will be served by keeping the petitioner



behind bars. Learned counsel for the petitioner has referred to the order dated 28.02.2023 (Annexure P-7) passed by this Court, to contend that the prosecution had examined all its witnesses prior to 28.02.2023 and even the trial is at the stage of defence evidence. He further contends that since it is a case of version and cross-version, consequently, the petitioner will be in a position to lead his defence properly, in the event of grant of concession of bail and the petition may be allowed.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was present at the spot and had actively participated in the commission of crime. He could not dispute the fact that similarly placed other co-accused have already been ordered to be released on bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, no doubt serious allegations have been levelled against the present petitioner, however, he is continuing in custody for the last more than 06 years and 01 month. The petitioner has been incarcerated for a very long period and cannot be detained in custody as an under-trial prisoner, without concluding the trial within a reasonable time period. Moreover, other similarly placed co-accused have already been admitted to bail by this Court.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty



Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *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 to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

09.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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