



CRM-M-48424-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CRM-M-48424-2024
Date of Decision : 01.10.2024

Lakhbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

- Through the instant petition filed under Section 483 of BNSS, 2023, a prayer is made for grant of regular bail to the petitioner in cross case bearing GD No.11, dated 25.08.2024 under Sections 115(2), 118(1), 118(2), 191(3) and 190 of BNS, 2023, registered at P.S. Ghanie Ke Bangar, Police District Batala, District Gurdaspur, registered in FIR No.39 dated 24.08.2024 under Sections 117(2), 115(2), 191(3) and 190 of BNS, 2023, registered at P.S. Ghanie Ke Bangar, Police District Batala, District Gurdaspur.
- Learned counsel for the petitioner on asking for the relief (supra), submits that the instant cross-case has been registered, after a delay of 53 days, therefore, it is a clear-cut case of concoction. He further submits that even as per the allegations, the petitioner is alleged to have caused two *datar* blows, which hit to one of the injured, on right knee and right ankle, which are non-vital parts. He also submits that the petitioner has suffered incarceration of more than 01 month, as on date, and all the offences are



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triable by the Court of Judicial Magistrate, Ist Class. Finally, he submits that the petitioner is not involved in any other criminal case and he has clean antecedents.

3. On the other hand, learned State counsel, on instructions imparted to him by ASI Anand Singh, has opposed the grant of relief of regular bail to the petitioner, and submits that one of the injured, has suffered grievous injury, and therefore, the petitioner is not entitled to be released on regular bail. He further informs this Court that the matter is under investigation and the final report is yet to be filed.

4. Learned State counsel has also placed on record the custody certificate dated 30.09.2024, qua the petitioner, in the Court today. The same is ordered to be taken on record.

5. This Court has heard the submissions made by the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons hereinafter extracted :-

(i) The petitioner has suffered incarceration of more than 01 month, as on date, as detailed in the custody certificate;

(ii) That the petitioner is not involved in any other criminal case, except the instant FIR, and he has clean antecedents;

(ii) That the matter is still at the investigation stage, and recovery of weapon of offence has already been effected from the present petitioner;

6. Be that as it may, considering the facts and circumstance of the instant case, this Court deems it fit and appropriate to enlarge the petitioner

on regular bail and therefore, further incarceration of the petitioner is not warranted at all, at this stage. Accordingly, the instant petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

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

(KULDEEP TIWARI)
JUDGE

October 01, 2024
Manpreet

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