

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5787-2024
Date of decision:-02.04.2025

LUCKY @ LAKHAN AND ANR.

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Simran, Advocate, Advocate, for
Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
233	14.11.2023	148, 149, 323, 341, 353, 395, 452, 506 IPC (395 added later on)	Partap Nagar, District Yamuna Nagar

2. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that no recovery or injury is attributed to the petitioners and they were arrested on 14.11.2023, after completion of investigation challan has already been presented in Court. The petitioners are not having any criminal antecedents and after spending sufficient long time in custody the petitioners have since been granted concession of interim bail vide order

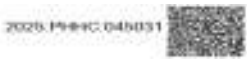


dated 13.02.2024 and they are regularly appearing in Court and have not misused the concession of interim bail. He, as such, prayed for grant of regular bail by confirming the interim bail already granted to them.

3. *Per contra* learned State counsel referring to the reply filed by the State has assailed these arguments and submits that considering the nature and gravity of offence, petitioners do not deserve concession of bail, hence prayed for dismissal of the present petition. However, he has not disputed the fact that petitioners have not misused the interim bail and are regularly appearing in trial.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the present case was registered on the complaint of Amit Kumar, Forest Guard, Forest Colony, Bhood Kalan, stating that during patrolling on 13.11.2023 at about 3:00 p.m. he saw some persons loading wood, cut from the forest in a tempo, they managed to apprehend the tempo along with its driver namely Lucky. After reaching Headquarter, 15-20 assailants armed with lathis and dandas attacked them and forcibly took away challan book and tempo. Hence the FIR was registered. The petitioners were arrested on 14.11.2023, and after completion of investigation challan has already been presented in Court. The petitioners have already been granted concession of interim bail vide order dated 13.02.2024 passed by the Co-ordinate Bench. It is not disputed that the petitioners are regularly appearing in the trial and are not having any other criminal antecedents. The conclusion of trial to ascertain criminal liability, if any, will take sufficient long time.

5. Keeping in view the fact that after being granted interim bail by



Co-ordinate Bench, petitioners have not misused the same and are having no criminal antecedents, in these circumstances, without commenting on the merits of the case, the interim bail granted to the petitioners vide order dated 13.02.2024 is hereby confirmed, the present petition is allowed with the direction to the petitioners to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

- 6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 7. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

02.04.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No