

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

CRM-M-7072-2025
Reserved on: 18.03.2025
Pronounced on: 26.03.2025

Lakhvir Singh @ Lakhveer Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	03.08.2024	Sangat, District Bathinda	127(1), 115 (2), 118 (1), 3(5) BNS (Section 117(2) and 118(2) of BNS added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 6 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“5. That the brief facts of the case are as follows:- The complainant Gurtej Singh said that on 31.7.2024, he was going on his motorcycle. At about 6.00 a.m., when he reached near the Old age Home, there Gurmit Singh armed with axe, Kuldeep Singh armed with Kirpan, Charanjit Singh armed with Gandasa and Lakhvir Singh armed with iron rod came on a Honda Amaze Car and waylaid him. Gurmit Singh raised a Lalkara and gave an axe blow, which hit on the right side of his head, Charanjit Singh gave a Gandasa blow, which hit on the backside of his shoulder. He fell down. Lakhvir Singh gave iron rod blow, which hit on his right arm. Kuldeep Singh gave Kipran blow, which hit on his left leg below the knee. Gurmit Singh gave another axe blow, which hit on his right leg, and Lakhvir Singh gave an iron rod blow, which hit on his left leg, above the ankle. The accused also gave beatings while he was lying on the

ground. He raised the alarm, and people were attracted to the place of occurrence. After which all the accused fled away from the spot.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“7. That the petitioner played a key role in the entire incident. As per the statement of the complainant, the petitioner Lakhvir Singh alias Lakhveer Singh was armed with an iron rod and he gave two iron rod blows to the complainant. 1st blow hit on the right arm and 2nd hit on the left leg of the complainant and both these injuries are grievous in nature.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. As per the Custody Certificate dated 10.02.2025, the petitioner is in custody since 24.12.2024 and his custody is around 03 months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.