



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

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CRM-M No.10515 of 2025 (O &M)
Date of decision : 01.8.2025

Lakhwinder Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. PBS Goraya, Advocate and
Mr. S.S. Bhullar, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.243 dated 25.9.2021, under Sections 307, 323, 324, 325, 326, 201, 148 and 149 of the IPC, registered at Police Station Kamboj, District Amritsar Rural.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Lal Singh son of Mukhtiar Singh resident of Wadala Bhithiwad aged 39 years, mobile no 98551-44791. Stated that I am resident of above mentioned address and does labour work. On dated 23.09.2021 at 7:30 PM, I along with my brother Sukha Singh son of Mukhtiar Singh, Jasbir Singh son of Mangal Singh (Maternal Uncle), Jagroop Singh son of Sukhdev Singh (nephew) and Rajwinder Singh @ Sadu son of Sukhdev Singh all resident of Wadala Bhithiwad were



returning back after doing Sewa at "Gurudawara Bhai Purro Ji" and after entering our village, when we reach near the house of Khajan Singh son of Hazara Singh then Lakhwinder Singh @ Baggo son of Khajan Singh armed with Datar, Roshi son of Khajan Singh armed with Kirpan, Shera son of Saman Halwai armed with Kirch, Khajan Singh son of Hazara Singh armed with Dang, Krishan son of Dayal armed with Khanda, Ravinder Singh @ Kali son of Khajan Singh armed with Datar, Ram Singh son of Dayal Singh armed with Kirch, Baldev Singh @Babbu son of Mukhtiar Singh armed with Kirch, Jagpreet Singh @ Jagu son of Mukhtiar Singh armed with Datar, Lovepreet Singh son of Harjinder Singh armed with Kirpan, Harjinder Singh son of Gurnam Singh armed with Datar and Gurpreet Singh son of Sukha Singh empty handed resident of village Wadala Bhithiwad were already standing there prepared. And on seeing us, Gurpreet Singh son of Sukha Singh raised Lalkara and said teach them a lesson for altercating with us" and then Lakhwinder Singh @ Babbu gave Datar blow hitting on my left elbow and when I raised left arm to save me then Roshi gave Kirpan Blow hitting on my left wrist, then Khajan Singh gave sota blow hitting on finger of my left hand, when my brother Sukha Singh came forward then Shera gave a Kirch blow hitting on the left arm of Sukha Singh, then Krishan gave Khanda blow hitting on the right elbow of Sukha Singh, then Ravinder Singh Kali gave a Datar blow hitting on the middle of head of Sukha Singh, then Ram Singh gave Kirch blow hitting on the left bicep of Sukha Singh, in the meantime my maternal uncle Jasbir Singh came forward to rescue us then Baldev Singh Babbu gave a Kirch blow hitting left wrist of Jasbir Singh, then Jagpreet Singh @ Jaggu gave Datar blow hitting on the right side of head of Jasbir Singh, Khajan Singh gave a dang blow a hitting on the right shoulder of my maternal uncle, then Lovepreet Singh gave a Kirpan blow hitting on the right wrist of my maternal uncle, then Harjinder Singh gave a datar blow hitting on the back side of neck of my maternal uncle, then Lovepreet Singh gave Kirpan blow hitting all the right thumb of my maternal uncle and in the meantime Shera gave Kirch blow hitting on the left elbow of my nephew Jagroop Singh, then Lakhwinder Singh gave Datar blow hitting on the joint of right thumb of my nephew, when Rajwinder Singh @ Sadhu came forward to pickup us then Lakhwinder Singh @ Bagga gave a Datar blow with intention to Kill hitting on the left side of head of Rajwinder Singh and Rajwinder Singh fell down on the spot, we all raised hue and



cry and my maternal uncle's son Sukhdev Singh came to the spot who witnessed the entire occurrence and villagers started gathering on seeing villagers, above mentioned accused persons ran away with their respective weapons. Action be taken. Sd/- Lal Singh, endorsed Bhupinder Singh ASI PS Kamboj dated 25.09.2021.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 4.7.2022. Learned counsel has further argued that the offence of Section 307 of IPC is not made out against the petitioner and he is falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is languishing in gaol since July 2022 and only 4 prosecution witnesses have been examined and one has been given up by the prosecution whereas there is long impending list of 25 prosecution witnesses. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 01.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 4.7.2022 whereinafter investigation was carried out and challan stands presented on 11.7.2022. Total 25 prosecution witnesses have been cited out of which only 4 stands examined till date and one has been given up. Thus, it is indubitable that culmination of trial will take its own time. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated



upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Learned counsel for the petitioner has brought forth the *zimni* orders passed by the trial Court perusal whereof reflects that trial is procrastinating and the folly thereof cannot be fastened upon the petitioner. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 Indubitably, the petition in hand is the second bail petition on behalf of the petitioner. The first bail petition preferred by the petitioner



was dismissed by this Court vide order dated 9.8.2024.

6.2 Keeping in view the present extended period of custody and the slow pace of the trial, this Court is inclined to favorably consider the instant bail plea. In this regard, it would be apposite to refer herein a judgment of this Court in **Rafiq Khan v. State of Haryana and another**, ***CRA No.2332 of 2023 decided on 22.2.2024.***

6.3 As per custody certificate dated 01.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 years and 27 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the



Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

01.8.2025
Ashwani

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