



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23050-2024
Date of decision: 18.02.2025

LAKHVIR SINGH ALIAS ARSHU ALIAS LAKHVEER SINGH
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.S. Sekhon, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Custody certificate dated 17.02.2025 filed in Court today.
The same is taken on record. Copy thereof has been supplied to the
opposite counsel.

2. By way of present petition filed under Section 439 Cr.P.C.,
the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
43	30.07.2023	307, 324, 323, 506, 148, 149 of IPC and 302 of IPC added later on.	Bajakhana, District Faridkot.

3. Arguments heard.

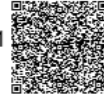
4. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that no specific overt act is attributed to the petitioner but simply because of he being named in the supplementary statement of the complainant recorded after seven days of the registration of the FIR, the

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petitioner has been nominated and arrested in this case on 08.08.2023. He submits that the challan has already been presented in Court after completion of investigation wherein none of the witnesses have yet been examined. The petitioner is not having any criminal antecedents and as such prayed for grant of bail.

5. On the other hand, learned State counsel, by referring to the reply submitted by the State, contends that there are specific allegations leveled by the complainant against the petitioner of having given kick blows to the deceased while lying on the ground. He contends that the petitioner is equally liable for the acts of the co-accused in murdering the deceased and as such deserves no leniency and prays for dismissal of the bail.

6. After considering the rival contentions and going through the record, it is observed that the instant case was registered on the statement of complainant Jassa Singh claiming that on 29.07.2023, he along with his son Sikander Singh and neighbour Ghona Singh was going to the house of Manna Singh to resolve the matrimonial dispute where accused Lovepreet Singh alias Labbu armed with *Khanda*, Sarabjit Singh alias Gulati armed with *Gandasa* and Bhagwan Singh alias Bhana armed with baseball along with two unknown persons came and raised *lalkara*, on which his son Sikander Singh ran away from the spot but was seized by the assailants. Lovepreet Singh gave *khanda* blow on his head with intent to kill him and Sarabjit Singh alias Gulati gave reverse blow of *gandasa* on his head. As a result, Sikander Singh fell down on the ground then Bhagwan Singh gave

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baseball blow on his abdomen while unknown accomplices gave kick blows to his son. On the complainant raising alarm, the assailants ran away from the spot and the injured were shifted to hospital. Originally, the FIR was registered under Sections 307, 323, 324, 506, 148, 149 of IPC. During treatment, Sikander Singh succumbed to the injuries and as such offence under Section 302 of IPC was enhanced on 30.07.2023. As per the case of prosecution on 04.08.2023, the complainant made supplementary statement disclosing the names of unidentified persons named earlier, to be the present petitioner and one Jiwan Singh. Subsequently, the petitioner was arrested on 08.08.2023 and since then he is custody. Admittedly, after completion of investigation, challan has already been presented in Court where it is pending trial and out of 21 witnesses cited by the prosecution, none has been examined till date. The petitioner is not having any criminal antecedents and even going by the allegations leveled by the complainant, only kick blows were attributed to him which are not fatal in any manner and the fact remains that the petitioner is in custody since 08.08.2023 and till date none of the prosecution witness has been examined. Therefore, considering these circumstances and also the allegations attributed to the petitioner, no purpose would be served by detaining the petitioner in custody any longer as conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on



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bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/Judge on Duty concerned, if not required in any other case; undertaking 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.02.2025
kanika

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