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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44142-2024 (O&M)

Date of decision: 26.03.2025

LAKHVIR SINGH ALIAS NEETA MISTRY

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Parvez Akhtar Dhaliwal, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Abdul Aziz, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.47 dated 03.07.2024, under Sections 365 and 328 of the IPC (Section 376 (2) (n) of the IPC added later on), registered at Police Station Sadar Sandhor, District Malerkotla, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 8 months and 20 days and the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court but the trial has not yet commenced and no prosecution witness has been examined. He further submitted that the petitioner has been falsely implicated in the present case in order to blackmail him. In this regard, to substantiate his



arguments he referred to Annexure P-2, which is a criminal writ petition filed by the complainant before this Court bearing No.CRWP-5933-2024 seeking protection from her husband and some other persons by specifically stating in the aforesaid criminal writ petition especially in paras No.3 and 4 that her husband is a drug addict and is of volatile temperament and has been physically abusing her and because of this reason she had taken refuge with the present petitioner. He further submitted that the aforesaid criminal writ petition was filed on 21.06.2024 by the complainant of the present case, which was later on withdrawn. He further submitted that thereafter, just within a period of one month the present FIR was lodged on 03.07.2024, vide which allegations were made by the complainant, who was the petitioner of the aforesaid case by concocting a story that the petitioner had taken her in a car and offered her some cold drink and thereafter, had committed wrong act with her. He also submitted that the contents of the FIR are totally in contradiction of the criminal writ petition which the complainant herself filed which has been attached alongwith the present petition as Annexure P-2 and therefore, the petitioner being falsely implicated in the present case may be considered for the grant of regular bail.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that although the petitioner is in custody for 8 months and 20 days but considering the allegations made in the FIR and the same being extremely serious in nature, the petitioner does not deserve the concession of regular bail.

4. Learned counsel for the complainant submitted that the matter has been compromised between the petitioner and the complainant.



5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner is in custody for 8 months and 20 days and as per the learned counsels for the parties, the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court, although no prosecution witness has been examined till date. During the course of arguments, the learned counsel for the petitioner has drawn the attention of this Court to Annexure P-2, which is a criminal writ petition filed by the complainant, who is stated to be of the age of 44 years and a married lady, vide which she had sought protection from her husband and some other relatives on the ground that her husband was a drug addict and was physically abusing her and thereafter, the petitioner of that case i.e. the complainant in the present case had taken shelter with the petitioner. The aforesaid criminal writ petition was filed by the complainant of the present case in which as per the learned counsels for the parties although notice of motion was issued but the same was thereafter withdrawn and the aforesaid criminal writ petition was filed on 21.06.2024 and the present FIR was got lodged on 03.07.2024 by alleging that the petitioner had taken her in a car and by mixing something in the cold drink had committed wrong act with her.

7. Learned counsel for the complainant has stated that the matter has been compromised between the petitioner and the complainant. This Court would not go into the aforesaid issue as to whether the matter has been compromised between the petitioner and the complainant or not but this Court will certainly consider the criminal writ petition filed by the complainant, which has been attached alongwith the petition as Annexure P-2 and its effect and



correlation to the FIR in which regular bail is being sought. Although this Court does not wish to make any observation with regard to the merits but at the same time, this Court will not lose sight of the fact pertaining to the effect of Annexure P-2. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

26.03.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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