



CRM-M-58045-2025 (O&M)

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

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CRM-M-58045-2025 (O&M)

Date of decision : 26.11.2025

Lakhwinder Singh @Lakha

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 323, 307, 302 and 34 of Indian Penal Code, the FIR No.36 dated 29.03.2023 has been lodged in Police Station Gharinda, District Amritsar Rural. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Veer Singh S/o Chanan Singh, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 28.03.2023 at about 01:00 pm, he along with his father was present in an open space in front of his home, where Lakhwinder Singh (petitioner herein) armed with spade, Sohan S/o unknown



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also armed with spade, and Billa S/o Karam Singh armed with *Daang* arrived. According to complainant, they claimed that the abovementioned open space belonged to them and thereafter launched an attack upon the complainant, and his father, wherein Sohan inflicted injury with the help of spade on the head of complainant's father, and Lakhwinder Singh (petitioner) with the help of spade on the left eye-brows. It was further alleged by the complainant that due to abovementioned injuries, his father fell down on the ground, and when he (complainant) came to rescue his father, he was attacked with the help of *Daang* by Billa, which injured his head. As per complainant when he screamed for help, the abovementioned assailants fled from the spot.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged, and investigation taken up. According to prosecution, initially the case was registered under Sections 307, 323 and 34 of IPC, however, subsequently, during the course of investigation, due to death of Chanan Singh, the father of complainant, it was converted into a case under Section 302 of IPC.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that he has already suffered prolonged incarceration for being in custody for a period of more than two and a half years. According to learned counsel for the petitioner, the trial is still at initial stage, as out of 24 prosecution witnesses, cited in the list of witnesses, the examination-in-chief of only one witness has been recorded.

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6. As per learned counsel for the petitioner, in the present case, the application under Section 319 of CrPC has been moved by the complainant, and the abovementioned application is still pending. With regard to above, the learned counsel for the petitioner has contended that firstly the disposal of abovementioned application will take some time, and secondly, if the abovementioned application is allowed, and an additional accused is summoned, then lot of time will be consumed in procuring the presence of additional accused in the Court, and thereafter, the trial will start *de novo*. While claiming that undue delay is inevitable in the present case, the learned counsel for the petitioner has argued that the petitioner, who has clean antecedents, is entitled for bail.

7. *Per contra*, the learned State Counsel has argued that there is an eye-witness account against the petitioner, wherein specific role has been attributed to the petitioner. While claiming that there is direct evidence against the petitioner, the learned State Counsel has argued that the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition for bail: -

- i) that the petitioner is already in custody for a period of more than two and a half years;
- ii) that the trial is at initial stage, as only the examination-in-chief of one witness has been recorded so far, and the recording of



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testimonies of remaining 23 witnesses will definitely take a long time;

- iii) that the petitioner has clean antecedents;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.

10. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another"***, 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the*



result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

12. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’**, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that *“if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be*



said that his right to have a speedy trial under Article 21 of the Constitution has been infringed'. It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that *"delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently"*.

13. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in ***"Balwinder Singh versus State of Punjab and Another", SLP (Crl.) No.8523/2024.***

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

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- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

16. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 26, 2025*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No