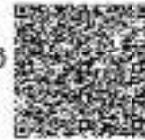


2025.PHHC.019906



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

**CRM-48060-2024 in/and
CRM-M-56068-2024
Date of Decision: 10.02.2025**

Lakhveer Singh @ Motu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Dr. Rau P.S. Girwar, Advocate,
Ms. Archana Arora Rau, Advocate,
Ms. K.T. Rau, Advocate and
Mr. Pankaj Mittal, Advocate
for the petitioner.

Mr. Nirnaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

CRM-48060-2024:

Prayer in the present application is for placing on record documents, i.e. Annexure P-11.

For the reasons mentioned in the application, the documents (Annexure P-11) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CRM-M-56068-2024:

This is second petition filed under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita on behalf of petitioner (Lakhveer Singh @ Motu) for grant of regular bail in case bearing FIR No.148 dated 10.07.2020 (Annexure P-1), under Sections 120-B, 148, 149, 201, 302, 323, 364 of the Indian Penal Code, registered at Police Station Maur, Bathinda.

2. The earlier bail petition, bearing CRM-M No.48732 of 2022, filed by the petitioner was dismissed by this Court vide order dated 18.08.2023 (Annexure P-7).

3. In pursuance of advance notice served upon the respondent-State of Punjab, status report by way of affidavit dated 12.01.2025 of Mr. Kuldeep Singh, P.P.S., Deputy Superintendent of Police, Sub-Division Maur, District Bathinda has been filed on behalf of State of Punjab, which is already on record.

4. Custody certificate dated 10.02.2025 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

5. Succinctly, the aforesaid FIR (Annexure P-1) was registered on the complaint of one Balvir Kaur, alleging therein that she was married to Sukhchand Singh around 27-28 years back and they had one daughter Ekampreet (25 years) and one son Amrinder Singh @ Manja (23 years). As per the complainant, her husband Sukhchand Singh died about two years ago and on 09.07.2020 at about 8:00 P.M., her son Amrinder Singh @ Manja, after taking his meals, had gone for a walk near the park of Raghu Pati Dharamshala, Maur Kalan, as per his routine, however when he did not return for some time, the complainant went towards the park to see him. Then one Maruti Car came there and she noticed in the lights emitting from the neighbourhood that Kharaji Singh s/o Amarjeet Singh, Sukhveer Singh

@ Soni, Lakhvir Singh @ Motu (petitioner) sons of Sham Singh, Manga Singh s/o Pritam Singh, were inside the car and 4-5 unidentified persons on their motorcycles bearing registration Nos.PB-80-1789 (Splender) and PB-80-2495 (Platina) also came behind the said car; and they started forcibly putting complainant's son (who was in the park) in the car. As per the complainant, she along with one Jaswinder Singh @ Judge s/o Bhola Singh, who is also stated to be present in the park, tried to resist the assailants but they caused injuries to Jaswinder Singh @ Judge and forcibly put complainant's son in the car and fled away. Thereafter, the complainant along with the neighbours and relatives started inquiring about her son and in the morning, her son-in-law Gagandeep Singh, who was also looking for her son, came to her and told that he has come to know that dead body of Amrinder Singh @ Manja was trapped in the bushes of the Canal Kotla Branch, Bridge Khetawala in the area of Village Maur Charat Singh; whereupon, the complainant along with her son-in-law Gagandeep Singh and one Sukhpal Singh @ Sukhi rushed to that place and after identifying, took out the dead body of her son from the canal. As per the complainant, she is of firm belief that Kharaji Singh, Sukhveer Singh @ Soni, Lakhvir Singh @ Motu (petitioner) and Manga Singh of Maur Kalan along with 4-5 unidentified persons had forcibly abducted and murdered her son and threw his body in the Canal Kotla Branch after causing him injuries on head, face, chin, right leg and left arm with the sharp edged weapons. It is alleged that the motive for causing the injuries was that her son had a quarrel with Kharaji Singh and others a few days ago.

6. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the instant case. It is

submitted that there is an inordinate delay in lodging the FIR (Annexure P-1), considering the fact that the alleged occurrence is stated to have taken place on 09.07.2020, whereas, the FIR was got registered on 10.07.2020. It is submitted that there is no direct eye witness regarding the allegation of the murder of Amrinder Singh @ Manja (son of the complainant). Learned counsel states that the present case is based upon slipshod investigation of the police and the police has also not obtained the tower location and Call Detail Records of the petitioner's mobile. It is stated that the petitioner is in custody since 12.07.2020; investigation in the case is complete; challan stands presented; charges have been framed on 14.03.2022; and the case is now fixed for prosecution evidence before the trial Court for 13.02.2025. It is further stated that out of total seventeen prosecution witnesses, twelve prosecution witnesses are yet to be examined, thus, trial in the case is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars for indefinite period. Learned counsel for the petitioner contends that co-accused Manga Singh and Shivraj Singh @ Kharaji have already been granted the concession of regular bail by this Court vide orders dated 03.12.2024 and 17.12.2024 passed in CRM-M No.44673 of 2023 and CRM-M No.63402 of 2023, respectively. Copies of the same have been handed over in Court today, which are taken on record, subject to all just exceptions. Learned counsel for the petitioner states that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court. It is further submitted that the petitioner is also ready to furnish security in the form of Fixed Deposit Receipt (F.D.R.) of Rs.1,00,000/- before the concerned Court.

6.1 With the aforesaid submissions, learned counsel for the

petitioner has prayed for grant of regular bail to the petitioner.

7. Per contra, learned State counsel opposes the prayer of petitioner for grant of regular bail on the ground of seriousness and gravity of the offences. It is submitted that petitioner was the member of unlawful assembly who abducted Amrinder Singh @ Manja (since deceased) in the car and later on committed his murder; and a sword (one of the murder weapons) was also recovered from the petitioner. Learned State counsel submits that the petitioner does not have clear antecedents as he was also involved in two more criminal cases, out of which, he was convicted in one case, however in the other one, he stood acquitted.

7.1 Although, custody period already undergone by the petitioner, bail granted to co-accused Manga Singh and Shivraj Singh @ Kharaji by this Court and also the stage of trial are not disputed by learned State counsel, however, he submits that there is an apprehension that in the event of grant of bail, the petitioner might influence the witnesses and also abscond to delay the trial. Accordingly, prayer has been made for dismissal of the present petition.

8. Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012(2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced herein below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to

find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

9. I have heard learned counsel for the parties and perused the paper book as well as the status report and custody certificate of the petitioner.

10. In the instant case, although the petitioner is facing trial in a serious and grave criminal offence of murder of complainant's son, however, petitioner has already undergone actual custody for a period of three years, five months and twenty six days (as on 10.02.2025). Investigation in the case is complete, charges stand framed on 14.03.2022 and the case is now fixed for prosecution evidence before the trial Court for 13.02.2025. Accordingly, this Court has reason to believe that the trial in this case is likely to take some time to conclude.

10.1 Further, it is not disputed before this Court that co-accused namely Manga Singh and Shivraj Singh @ Kharaji, have already been granted regular bail by this Court vide orders dated 03.12.2024 and 17.12.2024 passed in CRM-M No.44673 of 2023 and CRM-M No.63402 of 2023, respectively.

11. Hon'ble Apex Court in case titled ***“Umarmia Alias Mamumia v. State of Gujarat”***, (2017) 2 SCC 731, has held delay in criminal trial to be in violation of right guaranteed to an accused under Article 21 of the Constitution of India.

11.1 In ***“Manoranjana Singh alias Gupta v. CBI”***, (2017) 5 SCC 218, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the

solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial.

12. Pertinently, appropriate directions can be issued for securing the attendance of the petitioner during the trial.

13. Keeping in view the aforementioned facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail, if not required in any other case, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also mark his presence before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial and in case the Station House Officer refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

14. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.1,00,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

15. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.
16. The petition is accordingly disposed of.
17. All pending application(s), if any, shall also stand closed.

10.02.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No