



236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58607-2024

Date of decision : 13.01.2025

Lohara Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

Mr. Jagat Vir Dhindsa, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 483 BNSS praying for grant of regular bail in case FIR No.22 dated 10.05.2024, under Sections 302, 325, 323, 148, 149, 427 IPC, registered at Police Station Kotfatta, District Bathinda.

2. Succinctly the facts of the case are that the FIR was lodged on the statement of Amandeep Singh S/o Kulwinder Singh. It was alleged that the complainant and accused's family are neighbours and they had dispute regarding the vegetables sown by them. On 09.05.2024 at about 10/10.15 pm, his father had gone to the land to see the vegetables. However, he heard the noise and thereafter he rushed to the place. He saw that Amandeep Singh and Harbans Singh etc. were duly armed with weapons and giving injuries to his father Lohara Singh and Amandeep Kaur was raising lalkara and thus, extorting the co-accused to kill his father. He raised alarm and on hearing the same, they ran away. His father succumbed to the injuries and thus, request was made to take legal action against the accused persons and FIR was registered. On registration of FIR, the investigation commenced. The postmortem of the body

was conducted and on completion of the investigation the challan was



presented. Charges were framed against the accused and the trial commenced. The petitioner, during the investigation, was arrested on 10.05.2024 and since then he is behind bars. Thereafter, petitioner approached the Learned Additional Sessions Judge, Bathinda praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Bathinda vide order dated 21.10.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is an elderly person of 66 years of age who has been falsely and frivolously implicated in the present case on the basis of false allegations that he raised *lalkara*. He submits that the occurrence took place on 09.05.2024 at about 10/10.15 pm. He submits that there is a cross version as well recorded at the behest of petitioner's side against the complainant's side for the offence under Section 326 IPC. It is submitted that it is for the trial Court to decide as to which party was the aggressor. It is submitted that the complainant had a strong motive to implicate the whole family of the petitioner and it is only because of this reason, the petitioner was implicated on the basis of the allegation that he raised *lalkara*. He submits that the petitioner has no criminal antecedents.

4. Learned counsel for the complainant has opposed the submissions made by the counsel for the petitioner and submits that the petitioner had played an active role in committing the murder of Kulwinder Singh. He thus, submits that no case is made out for grant of bail to the petitioner.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner has extorted the co-accused to kill the deceased. However, he has submitted that



there is a cross-version as well at the behest of the petitioner’s side and both are pending trial before the Court. He submits that out of 27 prosecution witnesses, none is examined till date. He has also apprised the Court, on instructions, that the petitioner was involved in one more case under Section 302 IPC, however, he was acquitted by the Court below.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was alleged to have given a *lalkara* and it is the co-accused, who allegedly given a fatal blow to the deceased. There is no denying to the fact that the present case is of version and cross-version. As per the law settled, it is for the trial Court to decide as to which party was the aggressor on the appreciation of the evidence. Investigation is complete and charges are framed and out of 27 prosecution witnesses, none is examined till date.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.01.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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