

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19662-2025 (O&M)

Date of Decision: 23.04.2025

Lakheep Singh @ Mirg

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: None

Sandeep Moudgil, J.

(1). The Punjab & Haryana High Court Bar Association and Bar Council of Punjab & Haryana High Court have decided "No work day" for today i.e., 23.04.2025 on account of sudden demise of Sh. Bhupinder Singh Rathore, oldest member of the Bar Council.

(2). This is the third petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the petitioner in case FIR No.85 dated 16.12.2023 under Sections 307/452/326/325/323/427/148/149 IPC registered at Police Station Jaurkian District Mansa.

(3). Facts as emerging in the FIR is reproduced as under:-

"Statement of Swaran Singh son of Thakar Singh son of Karnail Singh, resident of Raipur, aged about 30 years, M. No.87288-65346, stated that I am resident of above said address, doing labour work. On dated 14.12.2023 at night I was laying in the room of my house, in the adjoining room my father Thakar Singh was laying and alongwith my father, my brother Soni Singh was also laying. At about 10:00 PM Lakhdeep Singh @ Mirg son of Bhinder Singh, Amrik Singh @ Neetu son of Hakam Singh, Gurpreet Singh @ Vadda son of Kaur Singh, Lovepreet Singh @ Ganju son of Binder Singh, Akashdeep Singh son of Manak Singh and Joginder Singh son of Sadha Singh, residents of Raipur armed with swords, Gandasa and sticks entered into our courtyard by breaking the gate of our house while raising alarms. On hearing their voice, I came out in the courtyard. There was a light of

electricity bulb in our courtyard then Lakhdeep Singh @ Mirg raised alarm and said that today Swaran will not be speared, then Lakhdeep Singh @ Mirg gave a blow of his sword towards my head with intention to kill, I have raised my left arm and sword hit upon the middle finger of my left hand and front portion of finger was cut off, then Amrik Singh @ Neetu gave a blow of his Gandasa towards my head with intention to kill me, which hit upon the right side of my head, then Gurpreet Singh @ Vadda gave a blow of his stick at my left leg, then Amrik Singh @ Neetu gave a blow of his Gandasa towards my head with intention to kill me, then I have raised my right hand which hit upon my right elbow. Then Gurpreet Singh @Vadda gave a blow of his stick on my right shoulder and Gurpreet Singh @Vadda gave another blow of his stick on my right arm which hit upon my elbow. Then Amrik Singh @ Neetu gave a blow of his Gandasa at the lower back portion of my right leg, then I fell down and while I was lying Akashdeep Singh gave a blow of stick on my right ankle. Then Lovepreet Singh @ Ganju gave stick blow at my forehead with intention to kill, then Joginder Singh gave a stick blow on my left ankle and back. Then Amrik Singh @ Neetu gave blow of his Gandasa towards my head with intention to kill then I raised my left arm which hit upon my left elbow, then Akashdeep Singh gave an injury on my left shoulder. When my father tried to save me from them, then they have inflicted injuries to my father also. Then on raising alarms by us they all ran away from the spot alongwith their respective weapons. Then my brother and Ajai Singh son of Sher Singh resident of our village Raipur arranged the vehicle and got us admitted in Civil Hospital, Mansa for treatment, where our treatment is going on. The motive is that earlier we had a quarrel with Lakhdeep Singh @Mirg and Amrik Singh @ Neetu, due to this reason they were keeping grudges against us, due to which they have inflicted injuries on us, action be taken. Statement got recorded to you, heard which is correct. LTI/ Swarn Singh..”

(4). The averments made in the petition would reveal that the petitioner has been falsely implicated in this case and that nothing is to be recovered from him. It is submitted in the petition that the in the final report, there is no opinion given by the doctor vide which any injury sustained by the complainant has been declared dangerous to life and as such, the offence under Section 307 IPC is not made out

(5). It is further averred in the petition that the co-accused namely, Joginder Singh @ Satnam Singh, Gurpreet Singh @ Vadda and Lovepreet Singh @ Gangu have already been released on regular bail by the Sessions

Court, Mansa vide orders dated 20.03.2024 and 27.03.2024, the copy of which have been placed on record as Annexures P5 &P6, respectively and as such, parity is claimed in the case of the petitioner.

(6). Custody certificate dated 21.04.2025 has been filed by the official present, which is taken on record, according to which, the petitioner has undergone 1 year 3 months and 25 days of custody in terms whereof, pursuant to submission of challan on 22.03.2024, charges have been framed on 17.09.2024 and out of total 17 PWs none have been examined till date. The custody certificate further reveals that the petitioner has been involved in another case which is what must be the apprehension of the prosecution that he may abscond or influence the witnesses since trial proceedings are going on.

(7). This Court has gone through the averments made by the petitioner in the paperbook.

(8). Be that as it may, considering the custody period i.e. 1 year 3 months and 25 day for which the petitioner has suffered incarceration and that the investigation is complete, challan stands presented to Court and charges have been framed on 17.09.2024 and none out of total 17 prosecution witnesses, have been examined so far, which is suffice for this Court to infer that the conclusion of trial will take a long time for which the petitioner cannot be detained behind the bars for an indefinite period. That apart, the co-accused of the petitioner have also been released on bail by the Sessions Court itself.

(9). Reliance can be placed upon the judgment of the Apex Court rendered in “**Dataram versus State of Uttar Pradesh and another**”, 2018(2) **R.C.R. (Criminal) 131**, wherein it has been held that the grant of bail is a

general rule and putting persons in jail or in prison or in correction home is an exception.

(10). Therefore, to elucidate further, this Court is conscious of the 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 is the mandate of the Apex court in **“Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98.** Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(11). As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as **“Baljinder Singh alias Rock vs. State of Punjab”** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

(12). In view of the aforesaid discussions, this petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(13). However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(14). The petition in the aforesaid terms stands allowed.

(15). The Jail Authority concerned is directed to intimate the said order to the petitioner-accused.

23.04.2025

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No