



CRM-M-24963-2024

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

CRM-M-24963-2024
Date of Decision: 14.01.2025

Lakhwinder Pal @ Lucky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
93	14.10.2023	Ladhuwal, District Ludhiana	323, 506, 336, 148, 149 IPC and 25, 27 of Arms Act

- The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
- Per paragraph 7 of the bail application, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	54	16.06.2014	323, 324, 341, 506, 148, 149 IPC	PAU, Ludhiana
2.	75	04.05.2015	307, 325, 324, 323, 341, 506, 148, 149 IPC	Ladhuwal
3.	42	27.04.2017	452, 354, 323, 148, 149 IPC	Ladhiwal
4.	73	23.03.2019	406, 409, 420, 120-B IPC	Salem Tabri
5.	274	23.10.2019	13, 3, 67 PG Act	Salem Tabri

- The facts and allegations are being taken from FIR Annexure P-1, which reads as follows:-

“Stated that I am a resident of the aforesaid address. On 30/09/23 at 10:15 PM I was sleeping with my family on the first floor of my house and when there was a hue cry I went outside my house and in the meanwhile my brother Rajinder Kumar @ Goga also came out in the gate. And then, from the front, Jaswinder Singh S/O Mangal Singh, Gurdayal Singh @ Boba S/O Mangal Singh, Mangal Singh



CRM-M-24963-2024

S/O Moda Singh, Harpreet Singh @ Happy. Jagjit Singh @ Jaggi Saroaran Jaswinder Singh, Satpal Singh S/O Phli, Sandeep Singh, Ravi Suraan Satpal Singh, Sohan Lal S/O Bawa Ram, Lakhwinder Singh @ Lucky S/O Sohan Lal, Sethi S/O Sohan Lal, Pipal Singh S/O Murad Singh, Shamo S/O Pipal Singh, Darshan Lal S/O Bawa Ram, Ashu S/O Darshan Lal, Surinder Kumar S/O Bajir Chand, Tashu S/O Surinder Kumar Vasian Village Fatehgarh Gujran Dist Ludhiana and 8/10 Unidentified Persons who all were holding bricks, stones, sharp weapons, datar, kirpans in their hands and were throwing bricks and stones towards me and that one brick block hit my forehead and Lakhwinder Singh @ Lucky fired about 03 shots from the pistol or revolver he was holding in his hand and Jaswinder Singh and Gurdayal Singh shouted and told nephews that we will show the result of fight and animosity to Surinder Kumar @ Neete today.. And some of these boys also hit the gate of my house with kirpans which was closed. When me and my family cried out, these persons ran away from the spot with their weapons. The motive of the crime was that I have been the sarpanch of the village from 2008 to 2013 since then Gurdayal Singh is associated with the other party. They were bitter because of the defeat of the other party and because of which they attacked me and attacked my house and threatened to kill me. Till now there was a talk of compromise between us which did not reach a conclusion. Appropriate action should be taken against the aforesaid.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“4. That it is respectfully submitted that after registration of FIR, the complainant submitted one MLR No. MLR/4/MN/2023 dated 01.10.2023 in which the doctor has shown 2 injuries. Injury No.1 is declared simple in nature and injury No. 2 is blunt and the same is pending for X-ray.

5. That it is respectfully submitted that subsequently as per statement of the complainant and MLR, Offence under Section 323, 506, 336, 148, 149 of IPC and Section 25, 27/54/59 of Arms Act were made out against the petitioner and the present FIR was registered against the petitioner.

6. That it is respectfully submitted that during investigation, it has been found that the complainant was sleeping on the roof of his house and he heard noise outside his house and when the complainant came outside of his house and in the meantime, his brother Rajinder Kumar



CRM-M-24963-2024

@ Goga also came outside then he saw the petitioner along with co-accused Jaswinder Singh Gurdial Singh @ Bobby, Mangal Singh, Harpreet Singh @ Happy, Jagjit Singh @ Jaggi, Satpal Singh, Sandeep Singh, Ravi, Sohan Lal, Sethi, Pipal Singh, Shamo, Darshan Lal, Ashu, Surinder Kumar and Tashu along with 8-10 unknown persons who were armed with bricks, Sharp edged weapons, Datt and Kirpans and they were throwing bricks towards the complainant and one of the brick hits him on his forehead.

22. A. ROLE OF PETITIONER:-

Petitioner Lakhwinder Singh @ Lucky S/o Sohan Lal, fired about 03 shots from the pistol/revolver.

B. The Evidence against the petitioner.

There is statement of complainant against the petitioner who stated that the petitioner had fired three shots.

C. Need for Police Custody: In case of dismissal of this petition, would the police arrest the petitioner in this FIR?

The custodial interrogation of petitioner is necessary to facilitate the recovery of the weapon used in the crime. Additionally the petitioner is highly cunning and shrewd individual and is also involved in another FIR. There is every possibility that the petitioner may indulged in same kind of activities again.”

7. Although the allegations are that petitioner fired three shots but none was injured. Petitioner's stand is that it is a made up case and firing has been attributed and no evidence is collected and the bullets were never recovered. Further if the petitioner had any intention to cause any hurt, then he would certainly have fired at people but firing in the air would show self-defence, however petitioner has criminal history which shows that he has criminal bent of mind. Petitioner has three cases of assault, one of which was 307 IPC. In the petition itself, it is not the claim of the petitioner that the trials have concluded of the cases mentioned in para no.7 of the petition. Although none was injured but petitioner has criminal antecedents which shows criminal mind set and he is not entitled to bail. Considering the offences of cases registered in past against the petitioner, there is every likelihood that if this Court grants anticipatory bail to the petitioner, he will feel strengthened and feel above the rule of law which is most likely to encourage him to repeat the crime which would affect the society at large. It can also motivate other youngsters to indulge on the same path.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.



CRM-M-24963-2024

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

14.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.