

**IN THE COURT OF MS. SURINDER PAL KAUR
ADDITIONAL SESSIONS JUDGE, PATIALA
(UID no.PB0089)**

CIS No. BA/2321 of 2024
CNR No. PBPT01-007020-2024
Date of Institution: 16.07.2024
Decided on : 18.07.2024

Lakhwinder Singh alias Lakhi aged about 22 years son of Randhir Singh, resident of Guru Nanak Colony Chaswal, P.S. Bhadson, Tehsil Nabha, District Patiala.

... Applicant-accused

Versus

State of Punjab

.....Respondent.

FIR no.88 dated 24.11.2023
under Section 304/34 of IPC (Section 302 of IPC was removed and section 304 IPC was added later on),
P.S. Bhadson.

Bail Application under Section 439 Cr.P.C.

Present: Sh.Jagjot Singh, Advocate, counsel for applicant- accused
Sh.Ganesh Chand, Addl. PP for the State

ORDER

The applicant- accused is seeking regular bail under Section 439 Cr.PC in this FIR registered at Police Station Bhadson.

2. Notice of bail application was given to State and learned Addl.PP has put in appearance on behalf of State. Record received and perused.

3. Learned counsel for the applicant-accused contended that he is innocent and has not committed any offence. It has been contended that the FIR in question is false, fictitious, vague, baseless, and is after-thought one. No offence, whatsoever, is prima facie made out against the applicant. That the complainant alleged in the FIR that her deceased son

Mangu Singh was either murdered by administering poisonous substance or by giving injuries by the bail applicant and co-accused. It is contended that the police officials did not bother to find out the chain of events. It has been further contended that earlier the FIR in the instant case was registered under Section 302 IPC but later on section 302 IPC was removed and Section 304 IPC was added. The presentation of the challan and conclusion of trial will take long time and no purpose will be served by keeping him behind the bars. Hence, prayer is made for grant of regular bail to the present applicant- accused.

4. On the other hand, learned Addl.PP for the State vehemently contested the above arguments advanced by the learned counsel for the applicant- accused and contended that it was the applicant accused who along with the co-accused Navdeep Singh has taken Mangu Singh deceased along with them and it was thereafter, they are the one who dropped him back in his house but after reaching the home he was found to be dead. So, the applicant- accused is the one who along with co-accused is immediately connected and can explain the reason of death of Mangu but they remained silent. The allegations against the present applicant- accused are serious and hence, request has been made to dismiss the bail application.

5. I have considered the submissions of the learned counsel for the applicant - accused, learned Addl.P.P. for the State and gone through the record.

6. From the perusal of the file it reveals that the present FIR has been registered on the statement of Jasvir Kaur complainant i.e. mother of

deceased Mangu Singh that her son Mangu Singh on 23.11.2023 at about 4.00 p.m. left the house by saying that he is going to his friends Navdeep Singh and Lakwhinder Singh for some work but he did not return back home at night. She tried to contact him telephonically on his mobile but he did not respond. At about 9.00 p.m. one motorcycle came in front of her house. Then she saw that her son is sitting in-between two boys and when she came out of the house, they threw her son from the motorcycle and ran away from the spot. She along with her daughter tried to lift her son but he did not respond. Then she called her neighborer and took her son inside the house. Thereafter he was taken to hospital where he was declared dead. She stated that Navdeep Singh and Lakhwinder Singh have killed her son either by administering some poisonous substance or by giving injuries to him and they both were earlier also having a grudge with her son. The postmortem examination of the deceased was also conducted. The viscera was taken out from the deadbody and sent to FSL laboratory and the viscera report is there. However, no poison was found in the parcel sent to the FSL Laboratory.

7. From the perusal of the file it reveals that in the investigation police found that the deceased is a drug-addict and on that date also he went along with his friend and had consumed drugs in heavy quantity and went along with his friends, who dropped him back in the evening and he was found dead. From the police file it reveals that the deceased was alive when went along with his friend i.e. present applicant- accused but when they dropped him back he has been dead. So, it is the applicant- accused and his co-accused who are the one to explain that how and under what

circumstances deceased was died.

8. Therefore, keeping in view the above facts and circumstances, on account of seriousness and gravity of the offence, no ground is made out to grant regular bail to the present applicant- accused. Hence, the present bail application sans merit and the same stands **dismissed**. However, it is hereby made clear that the observations made in this order shall not affect the merits of the main case and nothing expressed herein above shall be construed to be an expression of opinion upon merits in the main case.

9. Police record be returned. This file be attached with the record of the main case.

Pronounced

Date of order: 18.07.2024
Braham Kumar-Stenographer-I

(Surinder Pal Kaur)
Additional Sessions Judge,
Patiala. (UID No.PB0089)

LAKHWINDER SINGH @ LAKHI VS STATE OF PUNJAB

CIS No. BA/2321 of 2024
CNR No. PBPT01-007020-2024

Present: Sh.Jagjot Singh, Advocate, counsel for applicant- accused
Sh.Ganesh Chand, Addl. PP for the State

Police record received and perused. Arguments heard. Vide separate detailed order of even date the present bail application has been dismissed. Police record be returned. This file be attached with the record of the main case.

Pronounced

Date of order: 18.07.2024
Braham Kumar-Stenographer-I

(Surinder Pal Kaur)
Additional Sessions Judge,
Patiala. (UID No.PB0089)