

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-115 of 2015

Date of Decision: 02.03.2015

Lovepreet Singh @ Ravi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr.Tejvir Singh, Advocate for the petitioner.

Mr.A.S.Kler, DAG Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Prayer in the instant petition is for grant of regular bail in case bearing FIR No.19 dated 20.01.2014, under Section 307/324/323/148/149 IPC (Section 326 and 120-B IPC added lateron), Police Station Kotwali Faridkot, District Faridkot.

The FIR in question was registered on the statement of one Ram Sarup, with the allegations that on 13.01.2014 at about 11:00 p.m., he along with his family was present at his house and were enjoying the Lohri festivals. At once, the outer gate of house was opened and Lakwinder Singh @ Bata who is friend of his son Hakumat Sharma entered and called Hakumat Sharma and took him outside. When the son of the complainant did not turn up, then the complainant made search of him. When the complainant reached near the house of the accused then he saw in the light of bulb that Lakhwinder Singh @ Bata was armed with kripan, Ashok was armed kappa, Aman Kumar was armed with gandasi and 7-8 unknown persons duly armed with dangs and sotas were also standing there. In front

of complainant, Lakhwinder Singh gave kripa blow on the side of right ear with an intention to kill him. Thereafter, Ashok Kumar gave two kappa blows on the neck of Hakumat Sharma with an intention to kill him, Aman Kumar gave a gandasi blow on the head of Hakumat Sharma and thereafter Hakumat Sharma fell down. While Hakumat Sharma was lying on the ground, Aman Kumar gave another blow to him on his right side of his forehead. Those unknown persons also inflicted dangs and sotas blows and also gave him kick blows. On raising hue and cry, all the aforesaid persons fled away from the spot. With these allegations, FIR in question came to be registered.

Learned counsel for the petitioner contends that petitioner has not been named in the FIR. Name of the petitioner came to be known/ highlighted on account of statement made by the injured. No specific role has been attributed to the petitioner in the First Information Report.

As against this, learned State counsel on instructions from ASI Sewak Singh submits that injured has received 10 injuries in total. Injury No.1 to 9 collectively are opined to be dangerous to life. However on pointed query, it has been stated by the learned State counsel that no injuries falling under mischief of Section 307 or 326 is attributed to the petitioner.

After hearing the learned counsel for the parties and going through the record of the case with the able assistance of both learned counsel for the parties, this Court finds that bail can be granted to the petitioner. The petitioner was arrested on 04.05.2014 i.e. after about 4 months of the occurrence in question. He was not named in the FIR in the initial version propounded by one Ram Sarup though his name was added at subsequent stage. One injury is shown to have been attributed to the

petitioner which according to the opinion of the doctor does not fall under the ambit of Section 307/326 IPC. Co-accused of the petitioner namely Perminder Singh @ Raju has already been granted benefit of regular bail by this Court in Crl.Misc.M-41296 of 2014 vide order dated 12.12.2014.

That the applicability of Section 149 IPC would be a moot point to be decided after receiving evidence of the parties during the trial. There is no antecedent behaviour of any criminal activities of the petitioner. Petitioner is in judicial custody. No bonafide purpose would be served by keeping the petitioner in custody any more. In the light of the aforesaid and taking all the facts and circumstances into consideration, the instant petition is accepted. Petitioner is ordered to be released on regular bail on furnishing adequate bail bond and surety bond to the satisfaction of the trial Court.

Nothing observed hereinabove would be construed to be an expression of any findings of merits.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

02.03.2015

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