

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

***CRM No.M-3620 of 2016 (O&M)  
Date of decision:11.04.2016***

*Lovepreet Singh @ Love*

*... Petitioner*

vs.

*State of Punjab*

*... Respondent*

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. Vipin Mahajan, Advocate for the petitioner.  
Mr. K.D. Sachdeva, Additional Advocate General, Punjab.  
...

**TEJINDER SINGH DHINDSA, J.**

Petitioner seeks benefit of regular bail pending trial in case FIR No.131 dated 15.12.2014, under Sections 302/118/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

FIR came to be registered on 15.12.2014 on the statement of Mangal Singh @ Mangta. He had stated that his son Lovepreet Singh @ Labhu had fallen in bad company and on 15.12.2014 itself at about 11 AM friends of his son had come and taken him along. Having not returned till late in the evening, complainant and his wife Harjeet Kaur went in search and discovered the body of their son lying near a tubewell. The body was stated to be carrying injuries and soaked in blood.

As per initial version of the complainant leading to the registration of the FIR, Lovepreet had been murdered by his friends who had taken him to the tubewell of Sardara Singh and complainant had stated that he does not know the names of such friends.

It so transpires that six days thereafter complainant got his supplementary statement recorded on 21.12.2014 in which he named the

present petitioner as also one Shah Jahan @ Munna. Complainant in the supplementary statement stated that his son (since deceased) was a drug addict and used to fight with his friends and as per complainant, on the fateful date i.e. on 15.12.2014, his son had been killed by the present petitioner and co-accused Shah Jahan @ Munna by inflicting fire arm injuries.

Petitioner was arrested on 21.12.2014 itself.

It has gone uncontroverted that the complainant Mangal Singh @ Mangta as also his wife Harjeet Kaur have been examined before the trial Court as PW-3 and PW-4 respectively. Their statements have been appended and placed on record at Annexures P-3 and P-4. Complainant as also his wife have not supported the prosecution version.

Prayer made in the present petition was opposed by learned State counsel by submitting that a weapon/fire arm had been got recovered from the present petitioner and the bullet retrieved from the body of the deceased had been fired from such weapon. In such regard, it would be pertinent to note that such submission is being made on the basis of statement of ASI Davinder Singh, PW-5 posted as Head Armer, Police Line Batala and who in his cross examination deposed that his information is based "visual observation only". State counsel would fairly concede that no opinion was sought from a ballistic expert in the present case.

State counsel would inform the Court that out of 25 prosecution witnesses cited, only nine have been examined till date. The trial as such would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held

entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Disposed of.

**11.04.2016**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**