

S.No.216

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

CRM-M-52188 of 2018 (O&M)

Date of Decision:04.12.2018

Lovepreet Singh @ Lovely

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Buta Singh Bairagi, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.108 dated 21.10.2017 registered under Sections 307/427/34 IPC (Section 302 added later on) at Police Station Mehna, District Moga.

Counsel for the petitioner contends that in this very case, earlier the petitioner was granted bail pending trial by this Court vide order dated 26.10.2018. However, when the petitioner appeared before the Court below, for furnishing the bonds/ sureties for getting released on bail, then the petitioner came to know that Section 302 IPC has been added in the case. Hence, the present petition is moved. On merits, the counsel retains his earlier argument and submits that even as per the case of the prosecution, the petitioner was sitting on the back seat of the vehicle which had run over the alleged secret informer, namely, Rajinder Singh alias Rana. The vehicle involved in the alleged offence was being driven by the co-accused Amandeep Singh @ Amana. Hence, the petitioner is not directly involved in the offence.

On the other hand, counsel for the State, being instructed by ASI Jaswinder Singh submits that since Section 302 IPC has been added, therefore, the petitioner cannot be released on bail at this stage. However, it is not disputed by counsel for the State that the petitioner was earlier ordered to be released on bail in this case and that as per the investigation also the petitioner was sitting on the back seat of the vehicle which had run over the secret informer.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 04, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No