

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9945-2019 (O&M)

Date of decision:05.04.2019

Lovepreet Singh @ Lavi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Reeta Kohli, Senior Advocate with
 Mr. Rahul K. Sharma, Advocate, for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

CRM-9936-2019

Application is allowed as prayed for. The document as
Annexure P-7 is taken on record.

CRM-M-9945-2019 (O&M)

Prayer in this petition filed under Section 439 of Cr.P.C. is for
grant of bail pending trial in case FIR No.31 dated 19.06.2018 under
Sections 307, 353, 186, 332, 148, 149 of IPC and Sections 379, 333 of IPC
and Section 4(1) read with 21(1) Mines and Minerals (Regulation and
Development) Act added later on, registered at Police Station Mullanpur
Garibdass, District SAS Nagar, Mohali.

Learned Senior counsel for the petitioner submits that the case
against the petitioner is that while carrying sand from illegal mining, when
signalled to stop, the petitioner and his accomplice caused injuries to the
employees of the Forest Department. The allegation against the petitioner is
that he caused head injury to one Davinder Singh along with Jagjit Singh.
In the process, the petitioner is shown to have danda in his hand and Jagjit
Singh is shown to have iron rod. The injury on the head of Davinder Singh

is found to be caused by iron rod, which could be attributable to the co-accused Jagjit Singh and not to the present petitioner. Still further, it is submitted that the other injured Karnail Singh and the complainant Ravinder Singh, both having been examined as witnesses before the Court. However, they have not fully supported the case of the prosecution. It is also submitted that the petitioner is in custody since 22.06.2018, the challan has already been filed in this case and trial is going on. Even the complainant and other injured witness; except one; have already been examined by the prosecution. Hence, the petitioner is not required for any investigation purposes. It is also submitted that there is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by ASI Jasbir Singh, submits that the petitioner is involved in the incident, in which the injury dangerous to life has been caused to Davinder Singh. However, it is not disputed that the petitioner is in custody since 22.06.2018 and that the trial is going on. It is also not disputed that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

05.04.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No