

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
205 (PROCEEDINGS THROUGH V.C.)**

CRM-M-12794-2020 (O&M)

Date of decision: 08.06.2020

Lovepreet Singh @ Love

...PETITIONER

V/S

State of Punjab

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. H.S.Grewal, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail in FIR No. 01 dated 01.01.2018 registered under Sections 302, 201, 34, 120-B IPC at Police Station GRPS Pathankot, District Pathankot.

It is the contention of the counsel for the petitioner that the petitioner has been falsely implicated in this case as there is no direct evidence against the petitioner. Assertion has been made that it is a blind murder of Hira Lal, who was lying in the pool of blood killed with the sharp edged knife. Counsel for the petitioner contends that the said knife, which was used in the commission of offence, is shown to have been recovered along with the blood stains after five days from a vacant plot which was being frequented and used by the persons who indulged in the drinking and

the deceased was also a regular consumer of alcohol rather a drunkard. Petitioner has been involved in the case after a period of more than one month and has been arrested on 13.02.2018 and is in custody since then. Assertion is that there is no evidence against the petitioner except for an extra judicial confession, which is alleged to have been made in front of one Sh. Rajwant Singh, Municipal Councillor, who, while appearing as a witness before the Court as PW-10, has not supported the version of the prosecution. He, thus, contends that there being all circumstantial evidence, which also does not connect the petitioner with the commission of offence, would lead to a conclusion that there is no evidence against him. The trial is not likely to conclude in near future in the prevailing pandemic as out of 33 witnesses, only 10 witnesses have been examined and 6 witnesses having given up with one having died, still 16 more have to be examined, he, therefore, prays that the concession of bail be granted to the petitioner.

On the other hand, learned counsel for the State asserts that although there is no direct evidence against the petitioner but circumstantial evidence clearly points towards the involvement of the petitioner. The motive also has been clearly pointed out, according to which, the deceased Hira Lal was a drunkard and under intoxication used to beat his wife and children including the petitioner. He, thus, contends that the petitioner be not granted the concession of bail.

I have considered the submissions made by the counsel for the parties and on considering the facts and circumstances of the present case especially the fact that the petitioner is in custody since 13.02.2018 i.e. for more than 2 years and 4 months with the next date of hearing before the

trial Court being 05.08.2020 and 16 witnesses are still left to be examined especially with the Rajwant Singh, Municipal Councillor (PW-10), before whom the alleged extra judicial confession was made by the accused having not supported the prosecution and the trial is not likely to conclude in near future because of pandemic situation, the present application is allowed.

Petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

June 08, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No