

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25477 of 2020

Date of Decision: 16.09.2020

Lovepreet Singh @ Lovely

Vs.

State of Punjab

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Munish Garg, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. Yashbir Kharb, Advocate for complainant.

Sant Parkash, J.

The aforesaid presence is being recorded through Video conferencing since the proceedings are being conducted in virtual Court.

This is first petition filed by the petitioner for grant of regular bail under Section 439 Cr.P.C., in case/FIR No.0076 dated 13.05.2020 (Annexure P-1) under Sections 376(2)(n), 354, 354-A, 188, 34 of Indian Penal Code, registered at Police Station Barnala.

Learned counsel for the petitioner has submitted that the allegations against the petitioner are false and frivolous, there is no iota of evidence against him and he has not committed any offence. He has been implicated in the present case only being a friend of main accused i.e. Sukhwinder Singh. The only allegation against the petitioner is that he was guarding the place where the alleged offence was committed by co-accused Sukhwinder Singh. Moreover, the matter

Kirti Sharma who stated that she was acquainted with Sukhwinder Singh @ Gaggi for the last 7-8 months; their relationship was very good; they kept on meeting each other; Sukhwinder Singh never did anything wrong to her and she was made to sign on blank papers on basis of which the present FIR was registered by concocting of false story because his father was not happy with their relationship .

Learned State counsel assisted by the counsel for the complainant, though opposed the prayer made by the petitioner but could not dispute the contents of the affidavit sworn by the complainant.

Keeping in view the totality of the facts and circumstances of the present case, as also the fact that unhappiness of the father of the complainant because of her relationship with Sukhwinder Singh, has resulted into registration of the FIR; coupled with the filing of the affidavit by the complainant, denying any unlawful act committed by the petitioner or his co-accused; and that the petitioner is in custody for the last about 4 months, no useful purpose would be served by keeping him in further incarceration.

In this view of the matter, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate surety/bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

September 16, 2020
pry

(Sant Parkash)
Judge

Whether speaking or non speaking
Whether reportable or not

Yes/No
Yes/No