

**CRM-M-34371-2019 &
CRM-M-35483-2019**

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

1. CRM-M-34371-2019
Lovepreet Singh @ Lovejeet Singh
..... Petitioner

Versus

State of Punjab
..... Respondent

2. CRM-M-35483-2019
Jaspal Singh
..... Petitioner

Versus

State of Punjab
..... Respondent

Date of decision :- 7.1.2020

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Ramnish Puri, Advocate
for the petitioners in both the petitions.

Ms.Amarjit Kaur Khurana, DAG, Punjab assisted by
ASI Baljinder Singh.

Mr.Ritesh Pandey, Advocate
for the complainant.

H.S. MADAAN, J. (ORAL)

Vide this order, I shall dispose of two petitions i.e. CRM-M-34371-2019 for grant of pre-arrest bail filed by petitioner Lovepreet Singh @ Lovejeet Singh and CRM-M-35483-2019 filed by petitioner Jaspal

Singh for regular bail, both of them being accused in FIR No.73 dated 12.7.2019 under Sections 409, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Khilchian, District Amritsar Rural.

Briefly stated, facts of the case, as per prosecution story, are that complainant Baljinder Singh had submitted a written complaint to Deputy Superintendent of Police, Baba Bakala against Jaspal Singh, an Ex-Sarpanch, his brother Gurdial Singh and nephew Baljit Singh alleging that such persons had changed the look of the well constructed grave yard of their village in land forcibly without permission and misappropriated the material along with MALBA, using it in their own house and furthermore they have embezzled the huge amount of public money by constructing graveyard at a new place without permission; they were in illegal possession of the land and cultivating the same. According to Baljinder Singh complainant, his wife Harpreet Kaur is Member Panchayat. On receipt of the complaint, the matter was inquired into and then formal FIR No.73 dated 12.7.2019 for the offences under Sections 409, 420, 465, 467, 468, 471, 120-B IPC was registered against such persons with Police Station Khilchian, Amritsar.

Accused Jaspal Singh was arrested in this case on 12.7.2019. He had moved an application for regular bail before the Magistrate as well as before the Court of Sessions at Amritsar but was unsuccessful. Thereafter, he has approached this Court seeking regular bail. He was granted interim bail vide order dated 27.11.2019 by this Court.

Whereas co-accused Lovepreet Singh @ Lovejeet Singh had approached the Court of Sessions at Amritsar seeking pre-arrest bail, which

request was declined. Thereafter, he knocked at the door of this Court seeking similar relief and vide order dated 12.9.2019, interim bail has been granted to him.

I have heard learned counsel for the parties besides going through the record.

First taking up **CRM-M-35483-2019** filed by petitioner Jaspal Singh for regular bail. Though it is stated that the allegations against him are quite serious and grave of financial irregularities and forgery of the record of the Gram Panchayat but I find that such allegations will be seen at the time of trial. He remained behind bars for four and a half months around. Learned State counsel submits that challan against him has been filed in the Court of SDJM, Baba Bakala, that means that custodial interrogation of Jaspal Singh is not required since the matter is there before the Court. His guilt shall be determined during the trial, which is likely to take some time.

Accordingly, **CRM-M-35483-2019** filed by petitioner Jaspal Singh for regular bail is allowed.

The petitioner Jaspal Singh is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Amritsar, on following conditions:

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.

(iii) he shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner Jaspal Singh does not abscond and interfere in the trial.

As far as CRM-M-34371-2019 for grant of pre-arrest bail filed by petitioner Lovepreet Singh @ Lovejeet Singh is concerned, learned State counsel on instructions from ASI Baljinder Singh submits that since this petitioner has joined the investigation, his custodial interrogation is not necessary.

Keeping in view the fact that petitioner Lovepreet Singh @ Lovejeet Singh has joined the investigation and his custodial interrogation is not required, CRM-M-34371-2019 deserves to be accepted.

Under the circumstances, the interim bail granted to the petitioner Lovepreet Singh @ Lovejeet Singh on 12.9.2019 is made absolute, subject to his fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

**(H.S. MADAN)
JUDGE**

7.1.2020
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**