

CRM-15668-2021 in/and
CRM-M-12873-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15668-2021 in/and
CRM-M-12873-2021
Date of Decision: 01.07.2021

Lovepreet Singh @ Love

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.N. Walia, Advocate for applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Munish Kumar, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)
CRM-15668-2021

This application is for preponing the date of hearing of the main case to an early date.

As the main case has already been listed today, the present application is rendered infructuous.

Dismissed as rendered infructuous.

CRM-M-12873-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.16 dated 18.01.2020, under Sections 302, 323, 324, 148 and 149 IPC, 1860, registered at Police Station, Gate Hakima, District Amritsar. The petitioner is in custody since his arrest on 21.01.2020.

As per the allegations in the FIR, on 14.01.2020, Satish Kumar

house on their separate motorcycles after flying kites in the house of their uncle. On the way, motorcycle of Kamal hit Gurjit Kaur. She started rebuking Kamal and then Lovepreet Singh armed with datar, Vikramjit Singh alias Vicky armed with datar, Chandan armed with danda and Chetan alias Mukul arrived there. Gurjit Kaur exhorted Lovepreet Singh and Vikramjit Singh alias Vicky, Chetan and Chandan to assail Kamal and teach him a lesson of hitting the motorcycle against her, upon which Lovepreet Singh caused head injury to Kamal with datar. Vikramjit Singh alias Vicky also caused head injury with datar. Chandan caused injury with danda on the back of shoulder of Kamal, who fell down. He was removed to the hospital, who later on succumbed to his injuries on 18.01.2020.

Learned counsel for the petitioner has argued that the victim Kamal Kumar while driving the motorcycle struck it against Gurjit Kaur, who raised exhortation and thereafter, the accused persons came at the spot and assaulted the victim. He further submits that the victim suffered two injuries, who died on 18.01.2020, whereupon offence punishable under Section 302 IPC was added. He has drawn the attention of the Court to the order dated 20.05.2021 (Annexure P-4) to contend that the similarly situated co-accused Vikarm Singh @ Vicky has already been granted the concession of regular bail. It is pointed out that though the victim was found to be fit for making statement, but he had chosen not to record his statement before the police, despite repeated requests. He submits that as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary and prays for bail.

On the other hand, the prayer is opposed by the learned State

serious and the petitioner participated in the crime by causing one of the injuries on the head of the victim. However, it is not disputed by him that the victim refused to give his statement before the police, as at that stage, the talks regarding compromise was going on. Learned State counsel, on instructions, has stated that the final report was filed on 14.03.2020, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed on 14.03.2020, but the trial is yet to commence. Since in all, there are twenty six prosecution witnesses to be examined in the above case, therefore, it is evident that the conclusion of trial would take considerable time and as the co-accused of the petitioner has been released on regular bail, this Court finds that the petitioner also deserves the concession of regular bail. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 26.01.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Amritsar.

Petition is allowed.

01.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No