

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50770-2021
Date of decision : 09.12.2021

Lovepreet Singh @ Love

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Daman Jeet Boriwal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.84 dated 18.08.2021 registered under Sections 379-B, 506, 201, 427 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Cantt. Ferozepur, District Ferozepur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR. It is further submitted that the petitioner has been made an accused on the basis of statement of co-accused Akashdeep @ Mintu, dated 26.09.2021 and even as per the said statement, it was said Akashdeep @ Mintu who was sitting in the three wheeler and Kirandeep Singh and Gurdeep were the ones who were riding on the motor cycle and all three of them had snatched the bag of the complainant Kishore Kumar. It is further submitted that even as per the said

roaming around (recce). It is further submitted that nothing has been recovered from the petitioner and the challan in the present case has already been filed and there are 26 prosecution witnesses and thus, the trial is likely to take time moreso, in view of the present pandemic and the petitioner is not involved in any other case and the petitioner in custody since 26.09.2021 and thus, the present petition for regular bail be allowed.

Learned State counsel has opposed the petition and has submitted, on instructions from ASI Raman Kumar, that as per the said version of Akashdeep @ Mintu, it was Akashdeep @ Mintu, Karanjit Singh and Gurjit Singh who were riding on motor cycle, who had snatched bag of Kishore Kumar. It was stated by the said Akashdeep that amount of Rs.1,50,000/- was also paid to the present petitioner for riding on another motor cycle and for being part of whole group and the operation. The other factual aspects raised by the learned counsel for the petitioner have not been disputed.

This Court has heard learned counsel for the parties.

It is not in dispute that the petitioner has not been named in the present FIR and for the first time, he was made an accused at the statement of Akashdeep @ Mintu. It is also also not in dispute that no recovery has been made from the petitioner and the challan has been presented in the present case and in view of law laid down by a co-ordinate Bench of this Court in ***CRM-M-12051-2020***, titled as “***Mewa Singh Vs. State of Punjab***” and in ***CRM-M-12997-2020*** titled as “***Daljit Singh Vs. State of Haryana***”, to contend that merely name of the petitioner coming from a disclosure statement without there being any recovery, does not disentitle the petitioner from regular bail. It is further not in dispute that Akashdeep ,

Karanjit Singh and Gurjit Singh had snatched the bag from the complainant and the present petitioner was on another motor cycle, the petitioner is not involved in any other case and the challan has already been presented and the petitioner has been in custody since 26.09.2021 and there are 26 prosecution witnesses and thus, the trial would take time moreso, in view of the present pandemic.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

It is however, clarified that in case the petitioner tries to influence or threaten any witnesses, then it would be open to the State counsel to file an application for cancellation of bail.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 09, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No