

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

CRM-M-6077-2022

Date of Decision : **August 04, 2022**

LOVEPREET SINGH AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. H.S.Oberoi, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Kanwal Goyal, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.131 dated 10.12.2021 under Sections 307, 148, 149, 379 IPC and Sections 25, 27 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran.

It has been submitted by the learned counsel for the petitioners that the petitioners are in custody from 13.12.2021 which is almost more than 8 months and the investigation of the case has been completed and thereafter the challan has been presented. He submitted that the petitioners have clean antecedents and are not involved in any other case. He further submitted that no recovery is to be effected from the petitioners and the trial of the case may take long time and, therefore, the petitioners may be considered for the grant of regular bail.

On the other hand, the learned State counsel has stated that it is a case where a group of persons had collectively come to the Dera and attacked another group of persons and there was a dispute with regard to 164 kanals of trust property and firing took place in which five persons were injured. He further submitted that thereafter SIT was constituted in which 17 persons were identified who were present and were a part of an unlawful assembly out of which some of them fired which resulted into injuries to 5 persons. He submitted that in the report of SIT, the name of Lovepreet Singh is mentioned out of the total 17 persons and the name of Lakhbir Singh has not been mentioned. In other words, SIT report was based upon the video clipping where Lovepreet Singh was present at the spot whereas Lakhbir Singh was not present. He submitted that it is correct that the petitioners are not involved in any other case. He has, however, opposed the grant of bail to the petitioners that the matter is serious in nature since a group of persons had attacked another group of persons.

I have heard the learned counsels for the parties.

The case of the petitioners was that they have been falsely implicated in the present case and the allegations are that the petitioners formed an unlawful assembly which had attacked a group of persons. However, both the petitioners were arrested on 13.12.2021 and they have suffered incarceration for about 8 months. The investigation of the case has already been completed and the challan has already been presented before the competent Court. As per the learned State counsel, no recovery is to be effected from either of the petitioners. The trial of

the case may take long time and it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to both the petitioners.

Consequently, the petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 04, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No