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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-5534-2022 in/and

CRM-M-12367-2021

Decided on: 18th February, 2022

Lovepreet Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. H.S. Dhindsa, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

CRM-5534-2022

This is an application for placing on record the certified copy of statement given by complainant/PW-4 who has already deposed by not supporting the prosecution case.

For the reasons mentioned in the application, same is allowed.

Documents are taken on record, subject to all just exceptions.

The application is disposed of.

CRM-M-12367-2021

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 95, dated 2nd July, 2020, under Sections 302 read with Section 34 IPC, registered at Police Station Punjab Agriculture University (PAU), District Police Commissionerate, Ludhiana.

2. The FIR was registered at the instance of the Dharamjeet Kaur.

As per the case set up, Shinder Kaur was married to the brother of the complainant. They took divorce 25-26 years back, she re-married and Lovepreet Singh(wrongly named as Jaspreet Singh in FIR) is son from her second marriage. As per the allegations on 29th June, 2020, at about 9.30 PM, Jasdeep Singh and Lovepreet Singh gave beating to the brother of complainant Gurmail Singh at Shaheedan Gurdwara village Talwara. In the next morning, complainant with her nephew reached Shaheedan Gurdwara and took her injured brother to ESI hospital from where he was referred to PGI, Hospital where he succumbed to injuries. The grudge of re-marriage of Shinder Kaur is stated to be motive behind the incident.

3. Learned counsel for the petitioner submits that there is a case of blind murder. Petitioner was falsely implicated due to the grudge. He further relies upon the fact that complainant in deposition has not supported the case of the prosecution. Paramjeet Kaur-complainant has stated that it is not known to her who committed murder of her brother. It is further argued that petitioner is in custody since 4th August, 2020, no recovery is to be made from him, he has no criminal antecedents and investigation is complete.

4. Learned State counsel opposes the prayer for grant of bail and submits that trial is progressing and out of seventeen prosecution witnesses four have been examined.

5. Without commenting upon the merits of the case, considering the custody period, having conspectus of the facts and without making comment upon the deposition of the complainant, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief

Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18th February, 2022

Parveen Sharma

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No