

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

CRM-M-17154-2021(O&M)

Date of decision:-13.5.2022

Lovepreet Singh @ Lovi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Sahil Goel, Advocate
for the petitioner.

Mr.Anmol Singh Sandhu, AAG, Punjab.

H.S. MADAAN, J.

1. This third petition for regular bail has been filed by petitioner – Lovepreet Singh @ Lovi, aged about 20 years – an accused in FIR No.190 dated 13.12.2019, under Sections 307, 452, 148, 149 IPC (later on Sections 473 and 450 IPC added and Section 452 IPC deleted) as well as Sections 25, 27 of Arms Act, 1959, registered with Police Station Baghapurana, District Moga.

2. Briefly stated, the facts of the case, as per the prosecution version are that criminal machinery in this case was set into motion by complainant Chamkaur Singh son of Beant Singh son of Sewak Singh, who in the statement got recorded by him with the police stated that on 12.12.2009 at about 5:30 p.m. while he was present in his house, then

petitioner Lovepreet Singh @ Lovi while standing in the street called him out; the complainant accordingly went outside and found that petitioner/accused Lovepreet Singh @ Lovi along with Mandeep Singh @ Manna, Avtar Singh Virk and 7-8 unidentified persons were there having 3-4 motorcycles; the petitioner Lovepreet Singh @ Lovi fired a shot from his .32 bore pistol at the complainant with an intention to kill him; the complainant ran towards the street to save himself, then Avtar Singh and Mandeep Singh @ Manna fired shots at the complainant one of which hit the complainant on his buttock; the petitioner/accused Lovepreet Singh @ Lovi had fired two shots hitting the complainant on left leg; the complainant fell down on the ground in front of the house of Gurjant Singh; the petitioner/accused Lovepreet Singh @ Lovi followed him there and fired a shot, however the complainant escaped being hit by that bullet; Kulwinder Kaur wife of Gurjant Singh came forward to save the complainant; the petitioner/accused Lovepreet Singh @ Lovi fired upon her also; on hue and cry being raised, when several people gathered at the spot, then petitioner/accused Lovepreet Singh @ Lovi along with his accomplices fled from the place of occurrence along with their respective weapons.

3. Formal FIR was registered in the matter and investigation in the case started. The police inspected the spot and recovered one missed cartridge and three empty shells of 7.65 bore from there. The petitioner/accused Lovepreet Singh @ Lovi was arrested by the police on 18.12.2019. His co-accused were also arrested. On completion of investigation, challan against the petitioner/accused Lovepreet Singh @

Lovi as well as Harjit Singh, Arshdeep Singh, Amritpal Singh and Kulwant Singh was filed in the Court, which is pending trial.

4. The petitioner had filed an application for regular bail in the Court of Sessions, which was however dismissed by learned Additional Sessions Judge, Moga vide order dated 23.6.2020. The petitioner had approached this Court earlier by way of filing CRM-M-34640-2020 seeking regular bail but that petition had been withdrawn by his counsel realizing that the Court was not convinced with the contentions raised by him. The petitioner/accused has come to this Court for the third time seeking regular bail, which request is being opposed by the State counsel.

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

6. Learned counsel for the petitioner has argued that the petitioner is in custody for a period of 2 years, 4 months and 17 days; the trial against the petitioner is not likely to be concluded in near future, as such, he be granted concession of regular bail.

7. Learned State counsel has vehemently opposed the pleas stating that the allegations against the petitioner/accused are very grave and serious inasmuch as he armed with a pistol along with his accomplices, some of them having fire arms, had attacked the complainant without any provocation, firing shots at him causing him injuries; he is a habitual criminal being involved in several other criminal cases and in case concession of regular bail is granted to him, there is every likelihood of his trying to give threats or inducement to the prosecution witnesses thereby tampering with the prosecution evidence

and absconding even in the process prolonging the trial. Therefore, the petition be dismissed.

8. After hearing the rival contentions and going through the record, I find that no case for grant of regular bail to the petitioner is made out. The allegations against the petitioner in terms of the prosecution version are indeed very serious. As per the custody certificate filed by the State counsel, the petitioner is involved in several other criminal cases, details of which are as under:

- (i) FIR No.106 dated 10.7.2020, under Sections 307, 120-B IPC, PS Dayalpura;
- (ii) FIR No.226 dated 6.12.2019, under Sections 382, 411 IPC, PS City, Kotkapura;
- (iii) FIR No.194 dated 17.12.2019, under Sections 399, 402 IPC and 25 and 27 of Arms Act, PS Baghapurana.
- (iv) FIR No.245 dated 18.7.2020, under Sections 42/52-A Prison Act, PS City, Faridkot;
- (v) FIR No.105 dated 23.3.2020, under Sections 42/52-A Prison Act, PS City, Faridkot;
- (vi) FIR No.265 dated 2.9.2021 under Section 52-A Prisoner Act, PS City, Faridkot;
- (vii) FIR No.103 dated 23.3.2022, under Sections 42/52-A, Prisoner Act, PS City, Faridkot; and
- (viii) FIR No.60 dated 10.2.2022, under Sections 42/52-A Prisoner Act, PS City, Faridkot.

9. The involvement of the petitioner/accused Lovepreet Singh @ Lovi in the abovesaid FIRs shows that he is in habit of committing crime. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

10. No doubt personal liberty of a citizen is to be given due importance, but at the same time the gravity of the allegations is also to be considered. It is to be seen whether the release of a person, who is accused of having committed serious criminal acts and is involved in several criminal cases would adversely affect the public peace and tranquility. The Court is required to strike balance between liberty of an accused and seriousness of allegations with regard to the crime committed by him. If it is felt that the release of such type of person on bail would result in disturbance of public peace and tranquility endangering lives of various innocent persons, then such liberty can certainly be curtailed by refusing the concession of bail to such accused.

11. Thus keeping in view the detailed discussion above, I find that the petition is doomed for failure and is dismissed accordingly.

However, the trial Court is directed to make earnest efforts to conclude the trial in an expeditious manner.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

13.5.2022
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No