

CRM-M-23824-2022

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

**CRM-M-23824-2022.
Decided on: August 10, 2022.**

Lovepreet Singh @ Luvi

.. Petitioner

VERSUS

State of Punjab

.. Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**PRESENT Mr. Manjit Singh Uppal, Advocate,
for the petitioner.**

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No.302 dated 23.12.2021, registered under Sections 302 and 120-B of the Indian Penal Code and under Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act (Section 120-B IPC and Sections 27 and 29 of the NDPS Act added later on), at Police Station Lehra, District Sangrur.

2 The FIR in the present case was registered on the basis of statement suffered by complainant Sukh Kaur alleging therein that she has two sons namely Gurpreet Singh and Pargat Singh. On 22.12.2021 at about 6.00 P.M. complainant Sukh Kaur and her son Gurpreet Singh were present in the house when Lovepreet Singh @ Lavi (accused petitioner) had come to their house. Lovepreet Singh @ Lavi (accused/petitioner) had taken away Gurpreet Singh on his motorcycle on the pretext that they were to go to Jakhal in connection with some work. Gurpreet Singh did not come back that night. In the morning of 23.12.2021, complainant Sukh Kaur came to know that Lovepreet Singh @ Lavi had taken her son to Jakhal and Lovepreet Singh @ Lavi had injected some intoxicant in her son Gurpreet Singh and when they were coming back on their motorcycle and reached near Dera Radha Swami Satsang of village Churral Kalan, her son Gurpreet Singh became unconscious and fell down from the motorcycle and died at the spot. Lovepreet Singh @ Lavi with the help of certain persons, took Gurpreet Singh to Civil Hospital Jakhal and thereafter, Lovepreet Singh @ Lavi fled away from the hospital. Gurpreet Singh had died as he was given injection of intoxicant by Lovepreet Singh @ Lavi. On the basis of that F.I.R., case was registered against petitioner Lovepreet Singh @ Lavi.

3 During investigation, one Dilpreet Singh @ Gaggi son of Mundri was joined in investigation on 25.12.2021 and in his statement he disclosed that on 22.12.2021 at about 6/7 p.m., he along with Pappu son of Bhola Singh had gone to Bazigar Basti, Jakhal on their motorcycle in

connection with some work and when they reached in front of the house of Jassi son of Billy resident of Jakhal, they saw that Gurpreet Singh his cousin brother and their neighbour Lovepreet Singh @ Lavi were standing alongside Jassi. Jassi handed over one small wrapper of paper (*Purri*) to Lovepreet Singh @ Lavi in their presence and Lovepreet Singh @ Lavi had kept that small wrapper of paper in his pocket. Upon seeing that Lovepreet Singh @ Lavi had taken away Gurpreet Singh from that place on the motorcycle. He also disclosed that Jassi indulged in selling chitta and they had full belief that Jassi had given that small packet of *chitta* to Lovepreet Singh @ Lavi and Lovepreet Singh @ Lavi had given injection of that *chitta* to Gurpreet Singh and on that account Gurpreet Singh had died. Similar statement that of Pappu son of Bhola has also been recorded to that effect and co-accused Jagdeep Singh @ Jassi @ Bagga son of Balwinder Singh @ Billu was nominated in the case. Accused persons were arrested accordingly in the case.

4 Learned counsel appearing on behalf of the petitioner contends that the allegation initially levelled by the complainant Sukh Kaur was to the effect that injection of the intoxicant was administered to her deceased son by the petitioner although such evidence was *hear say* as no such event took place in her presence and even while appearing in the trial Court as PW-1, the said witness has not corroborated the case of the prosecution. She further has specifically stated that she has no knowledge as to how her son died and as to whether the petitioner was responsible for the

same. The said testimony of Sukh Kaur has been appended with the present petition as Annexure P-3. Furthermore, the co-accused Jagdeep Singh @ Jassi @ Bagga, has already been granted the concession of regular bail by this Court vide order dated 06.05.2022, passed in CRM-M-8247-2022.

5 Per contra, learned counsel appearing on behalf of the State contends that as per the initial version and the statement of the complainant recorded under Section 161 Cr.P.C., she had stated that the injection of the contraband was administered by the petitioner. She, however, could not controvert the fact that the said witness has not supported the case of the prosecution in her testimony before the learned trial Court. It is also not disputed that petitioner is in custody since 28.12.2021 and has already undergone actual custody of more than 7 months.

6 Taking into consideration the submissions noticed above along with the age of the petitioner as 23 years; the stage of the trial; the bail granted to the co-accused and also the fact that the prime witness of the prosecution has not supported the case of the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

August 10, 2022.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No