

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-32398-2021 (O&M)**

DATE OF DECISION: APRIL 6, 2022

LOVEPREET SINGH @ LABA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2. **CRM-M-52768-2021 (O&M)**

DATE OF DECISION: APRIL 6, 2022

MANBIR SINGH @ MANI @ AMAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. ASHISH AGGARWAL, ADVOCATE  
FOR THE PETITIONER IN CRM-M-32398-2021.

MR. PANSHUL DHULL, ADVOCATE  
FOR MR. MANBIR SINGH, ADVOCATE  
FOR THE PETITIONER IN CRM-M-52768-2021.

MR. DHRUV DAYAL, SR.DAG, PUNJAB.

**MANOJ BAJAJ, J.(ORAL)**

Petitioners have filed their respective petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.146 dated 30.11.2020, under Section 302, 120-B, 148, 149, 506 IPC, Police Station Khem Karan, District Tarn Taran, who are in custody since their arrest on 7.12.2020.

The allegations contained in the FIR as noticed by the Addl.

Sessions Judge, Tarn Taran in the order dated 16.4.2021, are as under:-

*“Briefly stated, the facts of the case as per the*

*prosecution story are that criminal machinery in this case was set into motion by complainant Gurbhinder Singh son of Sukhdev Singh, resident of Mehmoodpura, who in the statement got recorded by him with the police stated that on 29.11.2020, he, along with his family, was taking part in the Shagun ceremony function. In the evening he, along with son of his paternal uncle namely Anmolpreet Singh, maternal uncle Shaminder Singh and Balwinder Singh, went to Khemkaran on their motorcycles for making certain purchases. Complainant and Anmolpreet Singh were on a bullet motorcycle whereas Shaminder Singh and Balwinder Singh were on separate motorcycles. On their return journey, when they reached near Bohri Wala Stop of Bhura Kohna at about 6.30 P.M., then Kirandeep Kaur alias Maro alias Ninder Kaur and her sister Amarjit Kaur, married at Manawa village, came on Activa Scooter and met them. They had called the complainant there. Complainant started talking to his friend Kirandeep Kaur alias Maro alias Ninder Kaur. In the meanwhile an Innova vehicle came there and on observing that Kirandeep Kaur alias Maro alias Ninder Kaur stated that Labha had arrived. Then she, along with her sister Amarjit Kaur ran away. Complainant also sped away on his motorcycle. Innova car was being driven by Lovepreet Singh alias Labha son of Sukhdev Singh alias Sukha, resident of Bhoora Kohna and Aman Singh alias Mani, resident of Bhoora Kohna was sitting with him on the front seat, whereas on the rear seat Nishan Singh and 2-3 unidentified persons were sitting. Lovepreet Singh alias Labha hit his Innova vehicle against the motorcycle of complainant with the intention to kill him. Resultantly both the riders fell down. Lovepreet Singh alias Labha, Aman Singh alias Mani, Nishan Singh and unidentified persons got down*

*from the Innova vehicle and gave slaps to the complainant and Anmolpreet Singh. In the meanwhile, Shaminder Singh and Balwinder Singh also arrived at the spot and the assailants left the spot in their Innova vehicle. Anmolpreet Singh had suffered serious injuries and he was removed to Simran Hospital at Bhikhiwind from where he was referred to hospital at Amritsar and while, being taken there, he died on the way.”*

Learned counsel for the petitioners have argued that as per the initial version of complainant Gurbhinder Singh, when he alongwith his relatives including Anmolpreet Singh (deceased) were going to purchase wedding cards, they met Ninder Kaur and Amarjeet Kaur (both sisters) and were in conversation with them, then suddenly Ninder Kaur saw Lovepreet @ Laba and all of them sped away on their respective two-wheelers. He further submits that strangely, Ninder Kaur who was suggested to be the prosecution witness has also been implicated as an accused, on the basis of supplementary statement of the complainant recorded on 30.11.2020, wherein the complainant gave a different version, attributing conspiracy to all the accused and stated that she had an affair with the complainant and wanted to eliminate him. He further submits that as per the allegations, the four-wheeler driven by accused Lovepreet Singh had hit his two-wheeler from behind, resulting in the death of Anmolpreet Singh, and is a vehicular accident, but the petitioners have been falsely implicated for alleged commission of offence punishable under Section 302 IPC. According to learned counsel, after completion of investigation, the final report was filed on 1.3.2021, but the charges have not been framed so far. They pray for bail.

On the other hand, learned State counsel assisted by SI Baljinder Singh while opposing the aforesaid prayer has argued that petitioner Lovepreet Singh was in fact the driver of the vehicle, which had struck the two-wheeler from behind and therefore, considering the seriousness of the offence, he does not deserve this concession. However, it is not disputed that co-accused, namely, Amarjeet Kaur has been released on bail. He further submits that the co-accused, namely, Ninder Kaur is yet to be arrested, whereas another co-accused Nishan Singh was found innocent during investigation. According to him, another co-accused Manbir Singh was a passenger in the said vehicle.

Considering the above background and the custody of the petitioner, the fact that the co-accused of the petitioner is already on regular bail, and that the challan has been filed, but the charges are yet to be framed, the further detention of the petitioners may not be necessary for any useful purpose, as the trial would take considerable time to conclude. Further the material witnesses are either the complainant or the police officials and there does not seem to be any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

April 6, 2022  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No