

[156] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36051 of 2022(O&M)
Date of Decision :20.09.2022

Lovepreet Singh @ Love ...Petitioner

versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Monita Mehta, Advocate for the petitioner.
Mr. Sehajbir Singh Aulakh, Asstt. AG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the 4th petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.277 dated 13.10.2018 registered at Police Station Division No.6, District Police Commissionerate, Jalandhar under Sections 392, 379-B, 420, 468, 471, 413, 482 and 34 IPC.

[2] A perusal of the file reveals that the petitioner is accused of stealing expensive motorcycles, mobile phones and also having stolen one bullet motorcycle from Guru Nanak Mission Chowk, Jalandhar besides 4-5 Bullet motorcycles in addition to one pulsar motorcycle stolen from Chandigarh. The petitioner is in custody since 17.10.2018 and other co-accused have been granted bail by the High Court, challan has been filed, charges have been framed but out of 16 prosecution witnesses, only 04 have been examined.

Learned Counsel for the petitioner contends that in the circumstances, trial would take long time to conclude, therefore, no useful

that despite CRM-M No.33685 of 2021 having been withdrawn on 17.12.2021 to move an application before the learned trial Court for expediting the trial, and application having been moved before the learned trial Court, the trial has not made any headway for want of presence of the witnesses despite issuance of summons, therefore the petitioner is entitled to be released on bail.

[3] *Per contra*, learned Asstt. AG, Punjab, has vehemently opposed the grant of regular bail to the petitioner on account of his being a habitual offender as evident from his involvement in the following 10 cases:-

- (i) *FIR No.168, dated 07.12.2017, u/s 379-B/34 IPC, PS Div. No.06, Jalandhar, in which the bail application is pending.*
- (ii) *FIR No.187, dated 13.07.2018, u/s 379-B IPC, PS DeraBassi, in which the petitioner is on bail.*
- (iii) *FIR No.04 dated 08.01.2019, u/s 379/411 IPC, PS Dasuya, Hoshiarpur, in which the bail application is pending.*
- (iv) *FIR No.125/2015, u/s 379-B, 401 IPC, PS Ghuman, Gurdaspur, in which the petitioner has been released on bail.*
- (v) *FIR No.58/2015, u/s 379 IPC, PS Sri Hargobinpur, Gurdaspur.*
- (vi) *FIR No.50 dated 04.04.2018, u/s 379-B/34 IPC, PS*

Div. No.6, Jalandhar, in which the petitioner has been released on bail.

(vii) *FIR No.57 dated 13.03.2021, u/s 52-A Prison Act, PS Kotwali, Kapurthala.*

(viii) *FIR No.295 dated 08.07.2018, u/s 379/34 IPC, PS Salem Tabri, District Ludhiana, in which the petitioner has been convicted for already undergone.*

(ix) *FIR No.151 dated 08.07.2018, u/s 379 IPC, PS Div. No.06, District Jalandhar, in which the petitioner has been convicted for already undergone.*

(x) *FIR No.180 dated 24.07.2018, u/s 379-B IPC, PS Div. No.06, Jalandhar, in which the petitioner has been acquitted.*

(xi) *FIR No.215 dated 20.08.2018, u/s 379-B/34 IPC, PS Div. No.06, Jalandhar, in which the petitioner has been acquitted. ”*

[4] Heard learned counsel for the parties.

[5] Undoubtedly, the petitioner is entitled to a speedy trial, as he is in custody since 17.10.2018 and despite applications stated to have been moved pursuant to liberty granted in terms of order dated 17.12.2021 in CRM-M No.33685 of 2021, only 04 prosecution witnesses have been examined out of 16 witnesses. However, taking into account the involvement of the petitioner in a number of cases (10 cases under Section 379 IPC etc and 01 case under Section 52-A Prison Act)I deem it

expedite the conduct of the trial by taking steps in accordance with law to conclude the trial as expeditiously as possible, preferably within 04 months from the date of receipt of order.

[7] Copy of this order be forwarded to the learned trial Court to ensure compliance.

20.09.2022

(B.S. Walia)
Judge

'Rajneesh'

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No