

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

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**CRM-M-41822-2022
Decided on : 16.09.2022**

Lovepreet Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. L. S. Sidhu, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

First petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Lovepreet Singh, who has been booked for having committed the offence punishable under Sections 379, 473, 411 IPC and Section 25 of Arms Act, in FIR No. 140, dated 25.06.2022, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations mentioned in the FIR, while travelling in i20 car bearing registration No.PB-46-E-5972, petitioner was given signal by the police to stop the car. Upon this, petitioner tried to turn the car back but due to traffic on the road, the car could not turn back. Resultantly, on the spot, petitioner was apprehended when he tried to flee. During arrest of the petitioner, country made pistol and live cartridges were recovered from him. Learned counsel for the petitioner submits that investigation in the present case stands complete and challan has been filed. He further submits that now the matter is fixed for framing of charges and trial would take reasonable time and therefore, present case

being of magisterial trial, petitioner should not be kept inside jail for indefinite period.

Per contra, learned State counsel submitted custody certificate dated 15.09.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner has already undergone custody for a period of 02 months 19 days. While opposing the prayer made by learned counsel for the petitioner, learned State counsel submits that since petitioner was arrested on spot, chances of acquittal in the present case would be bleak. He further submits that petitioner is also involved in one other case of theft, which is pending adjudication. However, he is not disputing the fact that investigation in the present matter has been completed and challan stands presented.

Considering the submissions of both the sides, and perusing the material available on record with their able assistance, I am of the view that case in hand is triable by the Court of learned Magistrate and recovery of car, pistol and cartridges has been effected from the the petitioner and nothing more is to sbe recovered from the petitioner, especially when the investigation is complete and challan has been presented. As far as pendency of other case is concerned, it shows that in none of the case petitioner has been found guilty till now by the Court below. In such circumstances, no purpose would be served by keeping the petitioner inside jail, especially, when trial is not likely to conclude in near future. Therefore, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing heavy bail/surety bonds to the satisfaction of the learned Trial

Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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.

The observation made here-in-above 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 evidence available on record.

However, it is made clear that in future if the petitioner is found involved in any case of similar nature, the respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

(SANJAY VASHISTH)
JUDGE

September 16, 2022

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*