

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

221

CRM-M-48508-2021 (O&M)

Date of Decision: 04.02.2022

LOVEPREET MASIH @ LOVE

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Inderjit Sharma, Advocate for
Mr. Karan Choudhary, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.003 dated 04.01.2021, registered under Sections 302, 341, 342, 148, 149 IPC, at Police Station Dhariwal, District Gurdaspur, Punjab.

Learned counsel for the petitioner submits that initially the present FIR was registered against 04 accused person; that the petitioner was not named in the present FIR ; that the petitioner has been indicted on the basis of the supplementary statement of complainant-Lucky, who is the brother of deceased; that Lovepreet Singh @ Love and Prince, have been found innocent during investigation and stand exonerated and that the petitioner has been in custody since 12.01.2021. He further submits that, even as per the supplementary statement of the complainant, the allegation against the petitioner is only qua exhortation and that, as the similarly situated co-accused, namely, Ranjodh Singh @ Jodha, has already been granted the concession of

regular bail by this Court, vide order dated 08.09.2021, the petitioner may be granted such concession, on the ground of parity. In other pending cases, the petitioner is on bail.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that there are specific and serious allegation against the petitioner and as a result of the said occurrence, Roucka lost his life. He further submits that post presentation of the challan, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.01.2021. The petitioner has been involved on the basis of the supplementary statements of the complainant. Co-accused has already been enlarged on bail. Lovepreet Singh @ Love and Prince, stand exonerated. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.02.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*