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

**CRM-39394-2022 in/and
CRM-M-43767-2022
Date of decision : 27.10.2022**

Lovepreet Singh @ Lavi

....Applicant/Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ramandeep Kaur, Advocate
for the applicant/petitioner.

Mr. Arun Gupta, Assistant Advocate General, Punjab
for the respondent/State assisted by
ASI Gurpreet Singh.

PANKAJ JAIN, J. (ORAL)

CRM-39394-2022

This is an application for placing on record Remand Paper
of the petitioner marked as Annexure P-3.

For the reasons recorded in the application, the same is
allowed.

Document marked as Annexure P-3 is taken on record,
subject to all just exceptions.

CRM-M-43767-2022

This petition has been filed under Section 439 Cr.P.C. for grant
of regular bail to the petitioner in case FIR No.59 dated 23.05.2022

registered for the offences punishable under Sections 307, 34, 120B of IPC and later on added Sections 323, 325 IPC and Sections 25/54/59 of the Arms Act, at Police Station Badhni Kalan, District Moga.

2. Custody Certificate of the petitioner has been filed on behalf of the State, today in Court. The same is taken on record.

3. Ld. Counsel for the petitioner submits that the only allegation *qua* the petitioner is that he aided the culprits by pointing out the residence of the victim. She, thus, submits that even with the aid of Section 120-B IPC, the petitioner cannot be booked for offence punishable under Section 307, 34 IPC as there is no positive evidence on record w.r.t. meeting of minds. She further submits that challan already stands presented and thus there can't be any apprehension that the petitioner shall tamper with the evidence.

4. Ld. State Counsel does not dispute the aforesaid factual assertions made on the basis of the record. However, he submits that the petitioner was part of the party that assaulted the victim and, thus, it would be too early to exculpate the petitioner.

5. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the Challan already stands presented and no injury has been attributed to

the petitioner, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

October 27, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No