

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

214

**CRM-M No. 49197 of 2021
Date of Decision: 30.08.2022**

LOVEPREET SINGH @ LABHA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr.Sanjeev Soni, Addl.A.G, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail, in his second attempt, under Section 439 Cr.P.C in case bearing FIR No.61 dated 10.07.2019 registered under Sections 452, 323, 506, 148 and 149 IPC and later on added Section 302 IPC at Police Station Ghal Khurd, District Ferozepur. Earlier petition filed by the petitioner bearing CRM-M No.18999 of 2021 was got dismissed as withdrawn on 21.05.2021.

FIR was registered for the offences under Sections 452, 323, 506, 148 and 149 IPC at the instance of complainant Dalbir Singh against the petitioner, Pippal Singh, Sukhwinder Singh, Jasvir Singh and Kiranjit Singh. Petitioner was armed with *gada*; Kiranjit Singh was empty handed and Pippal

Singh, Sukhwinder Singh and Jasvir Kaur were armed with *dangs*. All the accused forcibly entered in the house of the complainant and thereafter, Kiranjit Singh caught hold of father of the complainant, namely, Harbans Singh. Petitioner inflicted a *gandasa* blow at the backside of head of Harbans Singh. Pippal Singh inflicted a *dang* blow on the left hand and little finger of left hand of Harbans Singh. Harbans Singh made hue and cry. Complainant and his mother tried to save Harbans Singh from the clutches of the accused, then Sukhwinder Singh gave a *dang* blow on the left wrist and on the right elbow of the complainant. Thereafter, all the accused ran away from the spot. Harbans Singh died on 11.07.2019 and thereafter, offence under Section 302 IPC was added vide DDR No.11 dated 11.07.2019.

Learned counsel for the petitioner submits that complainant Dalbir Singh has been fully examined before the trial Court as PW-1 on 14.10.2021 and he has not supported the case of the prosecution. He has been declared as hostile witness and no incriminating material could be extracted from his cross-examination. Similarly, Gurbir Singh, brother of the complainant, has also been examined as PW-2 on 14.10.2021. He has also not supported the case of the prosecution and has been declared hostile. Nothing could be brought out from his

cross-examination. Balwinder Singh, brother-in-law of the deceased i.e. *Mama* of the complainant has also been examined as PW-3 and he has also not supported the case of the prosecution, rather stated that none had caused any injury to his brother-in-law and he had a slip in his house on 09.07.2019.

The factum of material witnesses having turned hostile has been admitted by learned State counsel, on instructions from ASI Sarabjit Singh. Learned State counsel, however, opposed the bail on the ground that the testimonies of the aforesaid witnesses would be tested by the trial Court in due course.

As per custody certificate, petitioner is in custody for the last about 2 years 11 months and 27 days. Out of total 14 prosecution witnesses, only 4 witnesses have been examined so far and 02.09.2022 is the next date fixed before the trial Court.

In view of the aforesaid factual position and without meaning anything on the merits of the case, I deem it appropriate to grant regular bail to the petitioner.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

August 30, 2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No