

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

215

CRM-M-51910-2021

Date of Decision : **April 29, 2022**

LOVEPREET SINGH @ LADDI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.120 dated 7.9.2017 under Sections 302, 148, 149, 120-B IPC and Sections 25-54-59 of Arms Act, registered at Police Station Mahilpur, District Hoshiarpur.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 1.11.2017 which is almost 4½ years and after the completion of the investigation, the trial has commenced and the material witnesses have already been examined. He submitted that as per the FIR, the allegation was levelled against the petitioner and the other co-accused was that the petitioner had fired a shot at the deceased, namely, Rohit Kumar alongwith other persons and thereafter he died. He submitted that the case was planted upon the petitioner only on the ground that he was earlier involved in some cases and due to which the

police has planted a case upon the petitioner. In order to substantiate his case, the learned counsel for the petitioner has submitted that when the material witness, namely, Amandeep Kumar, who is the complainant, stepped into the witness box, he did not support the prosecution version and had rather stated that he did not identify the accused present in the Court and did not give such a statement before the police and, therefore, he was declared hostile and thereafter another material witness, namely, Darshan Kumar who is the father of the deceased also did not support the prosecution version and was also declared hostile. The learned counsel has submitted that in view of the aforesaid circumstances and the fact that the petitioner has already faced incarceration for 4½ years, he may be considered for the grant of regular bail. He has also referred to the affidavit filed by the State in which it has been stated that as per the FSL report on the physical examination and chemical tests performed on suspected holes present on T-shirt marked S/1 and vest marked S/2 contained in parcel B, it has been concluded that these had not been caused by projectile of firearm.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 1.11.2017 which is almost 4½ years and material witnesses, namely, Tarsem and Darshan Kumar have been examined but they did not support the prosecution version and were declared hostile. He has, however, opposed the grant of bail to the petitioner on the ground that the matter was serious in nature and, therefore, the petitioner is not entitled for the grant of bail.

I have heard the learned counsels for the parties.

It is a case where the petitioner is in custody for the last about 4½ years and the material witnesses have been examined who have turned hostile as per the learned counsel for the parties. As per the FSL report the projectile by which the bullet which has been stated to have been fired did not match with the holes of the body of the deceased. Although the petitioner is involved in 4 more cases but out of those four cases, one case pertains to the Prisons Act and the other three cases pertain to Sections 323, 324, 341, 148, 149, 399, 402, 482, 307 and Sections 25/54/59 of Arms Act would not itself disentitle the petitioner for the grant of regular bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence the remaining witnesses or may abscond from justice. Therefore, considering the aforesaid facts and circumstances of the case and especially the custody of petitioner which is about 4½ years, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

April 29, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No