

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

CRM-M-3002-2022

Date of Decision: January 11, 2023

LOVEDEEP SINGH @ LALA

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. GBS Dhillon, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G. Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.14 dated 10.06.2021 under Sections 13, 17, 18, 18-B and 20 of Unlawful Activities (Prevention) Act 1967 (Amendment 2012), 25 of Arms Act, Sections 120, 120-B of IPC and Sections 21, 25, 27-A and 29 of NDPS Act registered at Police Station State Special Operation Cell, Amritsar, District Amritsar.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case and in fact it is a pure case of planting with the concoction of the story, in fact, the recovery alleged from the petitioner is also not correct.

On asking of the Court Mr. Mohit Kapoor, Addl. A.G. Punjab, accepts notice and has produced the custody certificate. According to the custody certificate, the petitioner is behind the bars for the last 01 year 04 months and 02 days. The perusal of the same also depict that an another FIR

No.314 dated 17.12.2020 under Sections 21/22/25/27A/61/85 NDPS Act

and Sections 25/27/54/59 of Arms Act registered at PS Majitha, is pending against the petitioner, wherein he is not on bail though has been shown to be in actual custody as under trial from 08.02.2021 to 26.10.2022 the date on which the instant custody certificate was prepared.

This Court very conveniently can infer that the petitioner was in custody in another FIR No.314 dated 17.12.2020 wherein he has been implicated in the present case merely on the basis of the disclosure statement of Darmanjit Singh and Jagjit Singh. Despite the fact that no recovery was effected and in fact cannot be effected particularly keeping in view the fact that on the date of alleged occurrence, i.e., 10.06.2021, the petitioner was in jail. Further submission of the learned State counsel with regard to the date of recovery of weapon i.e. 02 pistols alleged to have been recovered on 23.06.2021 and on that day as well the petitioner was in custody according to the custody certificate which raises a serious doubt on the prosecution story.

However, without commenting on the merits of the case, the petitioner is directed to be released on bail, subject to the satisfaction of CJM/Duty Magistrate concerned, as the trial is likely to take some more time and no fruitful purpose would be served by keeping the petitioner behind bars. No observations made hereinabove shall be taken as any inference during the course of trial.

Disposed of.

(SANDEEP MOUDGIL)
JUDGE

11.01.2023

Sangeeta

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