

(226)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13636-2023

Date of Decision: 25.07.2023

LOVEPREET SINGH @ LADDI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Kalsi, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.354 dated 04.12.2022 registered under Sections 379-B, 387, 392, 395, 506, 115, 120-B IPC and Sections 25 & 27 of Arms Act at Police Station Phillaur, District Jalandhar Rural.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that gangster Ravi Balachauria son of Gurmail Singh who was presently in Jail through his henchmen Lovepreet Singh @ Laddi (petitioner) son of Sher Singh and Gagandeep Singh @ Gagan son of Lehmbur Singh along with one Sukhwinder Singh @ Sukha son of Joga Singh were indulging in the supply of illegal weapons. They were also preparing to commit dacoity and kidnapping for ransom. They were travelling in a car bearing Registration No.PB-11-BZ-7352 and were presently at an abandoned brick kiln. If a raid

was conducted, they could be arrested and a huge quantity of illegal ammunition could be recovered from them.

Based on the said information, the present FIR came to be registered. During investigation, a raid was conducted and Gagandeep Singh alias Gagan, Lovepreet Singh @ Laddi (petitioner) and Sukhwinder Singh @ Sukha were arrested and the recovery of arms and ammunitions came to be effected from them.

Initially, the FIR in the present case was registered under Sections 379-B, 387, 392, 395, 506, 115, 120-B IPC and 25/27/54/59 of Arms Act. However, subsequently, all the offences were dropped vide DDR No.24 dated 24.12.2022 except offences under the Arms Act.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The recovery of weapons has been planted upon him and his co-accused. As the petitioner was in custody since 04.12.2022 and the report under Section 173 Cr.P.C. had only been submitted under the Arms Act, he was entitled to the concession of bail, moreso, when none of the 11 prosecution witnesses had been examined and in the other cases registered against him, he had been either granted bail or had been acquitted.

4. On the other hand, the learned State counsel contends that the petitioner is an accused in five other cases bearing FIR No.120 dated 07.09.20217 under Sections 302, 148, 149, 120-B Police Station Garhshankar, FIR No.112 dated 27.10.2017 under Section 399, 402, 482, 307 IPC Police Station Chamakaur Sahib, FIR No.115 dated 08.07.2018 under Sections 323, 148, 149 IPC Police Station City Hoshiarpur, FIR No.124

dated 11.08.2018 under Section 52 Prisons Act Police Station Hoshiarpur and FIR No.101 dated 11.08.2016 under Section 323, 324, 341, 148, 149 IPC Police Station Garhshankar. He, however, concedes that an FIR No.120 dated 07.09.2017, the petitioner has been granted the concession of regular bail. In FIR No.112 dated 27.10.2017, he stands acquitted. In FIR No.115 dated 08.07.2018, the offence itself is bailable whereas in FIR No.124, the conviction is only under the Prisons Act. He also concedes that the petitioner is in custody since 04.12.2022, none of the 11 prosecution witnesses had been examined so far and one co-accused of the petitioner namely, Sukhwinder Singh @ Sukha had been granted the concession of bail by the Trial Court vide order dated 12.01.2023.

5. I have heard the learned counsel for the parties.

6. Admittedly, the FIR had been registered under Section 379-B, 387, 392, 395, 506, 115, 120-B IPC and 25/27/54/59 of Arms Act. However, the report under Section 173 Cr.P.C. has been submitted only under the provisions of the Arms Act. In the other cases registered against the petitioner, he has either been granted bail or has been acquitted. The one conviction that has been recorded is for having committed an offence under the Prisons Act. The petitioner is otherwise in custody since 04.12.2022 and none of the 11 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Lovepreet Singh @ Laddi son of Sher

Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.07.2023

JITESH

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