

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-14409-2023 (O&M)

Date of decision: 08.05.2023

Lovepreet Singh @ Ravi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Maan, Advocate
for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.62 dated 25.05.2021, registered under Sections 302, 34, 201 IPC and Section 25 of Arms Act (Section 120-B IPC added later on), at Police Station Badni Kalan, District Moga.

2. Learned counsel contends that the petitioner is in custody for the last 1 year and 11 months. His name had surfaced based on a statement of the alleged eye-witness who though while appearing as PW-2, has specifically stated that he did not know the person produced by way of video conferencing, which was disclosed to be the petitioner lodged in the Ludhiana Jail. He further submits that one Davinder Singh, who appeared as PW-4, had also not supported the prosecution version. Besides, the father of the deceased, Bhupinder Singh while appearing as PW-8 had stated that he had never nominated any of the accused and had only come to know in the year 2021 that his son had been murdered by some boys. Even otherwise, the allegation against the petitioner as per eye witness PW-

2 was of having seen him standing near the canal and that something was thrown in the canal, however one year later from the newspaper, he came to know that Arshdeep Singh Dala along with his companions Lovepreet Singh and Kamaljit Sharma had committed murder of Sukhpreet Singh @ Sukha Lamma resident of village Lamma or that his dead body was thrown in the canal, however, he in cross-examination denied having stated this before the police. Co-accused Charanjit Singh has been granted regular bail by this Court vide order dated 01.12.2022, Annexure P-7, while referring to the statements of the aforesaid witnesses, who have not supported the prosecution version and he being in custody since 06.06.2021. He submits that though the petitioner is involved in 7 other cases, out of which in 3 he stands discharged, is on bail in one and 3 applications for grant of bail are pending. He relies on the judgment of Hon'ble The Supreme Court of India in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382. Material witnesses have been examined, who have not supported the case of the prosecution. However, 7 witnesses still remain to be examined.

3. The custody certificate dated 05.05.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for the last 1 year, 10 months and 18 days. He opposes the bail on the ground that the petitioner is involved in other criminal cases as well and was stated to be present at the time of occurrence. He is however unable to controvert the submissions with regard to the stage of the trial, co-accused has been granted regular bail and that material witnesses have not supported the prosecution version.

4. Heard.

5. Hon'ble The Supreme Court of India in the case of **Maulana Mohd.**

Amir Rashadi (*Supra*) had held that, “As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 10 months and 18 days; co-accused-Charanjit Singh has been granted regular bail; out of 18 prosecution witnesses, 9 including material witnesses have been examined, who have not supported the prosecution version, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the

Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

May 08, 2023
M.Kamra

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