

(233)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21203-2023

Date of Decision: 01.08.2023

LOVEPREET SINGH @ LABBA @ NAVPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Harkanwar Jeet Singh, Asstt. A.G., 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.26 dated 04.02.2023 registered under Sections 379-B and (Section 411 IPC added later on) at Police Station Lambi, District Sri Muktsar Sahib.

2. The present FIR came to be registered on the basis of the statement of one Shavinder Singh son of Gurnam Singh who stated that he was working as a labour. He was on his way to village Khema Khera for work on his motorcycle when he received a phone call from his relative because of which he stopped the motorcycle on the roadside. In the meantime, a motorcycle came from the village Bhai Ka Kera side without a number and stopped near him (complainant). Two young men were riding the same. In the meantime, the young man sitting behind on the motorcycle snatched his mobile phone and fled away. On his inquiry, it had come to his knowledge that his mobile phone had been snatched by Lovepreet Singh @

Labba (petitioner) son of Jarnail Singh and Jivtesh alias Vicky son of Babu Lal.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. In fact, the petitioner had hired the complainant for helping in farming. However, a dispute arose between them and when the petitioner asked for his money from the complainant, the present FIR had been registered. Be that as it may, the mobile phone in question allegedly snatched had been recovered from a co-accused of the petitioner and not from the petitioner. As the petitioner was in custody since 06.02.2023 and none of the 11 prosecution witnesses had been examined so far, his further incarceration was not required, moreso, when in the one other case registered against him bearing FIR No.88 dated 15.06.2017, he has been granted the concession of bail. The copy of the said order dated 24.06.2017 is marked as X.

4. A status report dated 31.07.2023 by way of an affidavit of Balkar Singh, Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner is a habitual offender. The nature of the allegations levelled against him and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner in custody since 06.02.2023, none of the 11 prosecution witnesses had been examined so far and in the one other case registered against him, he has been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. The petitioner is in custody since 06.02.2023 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. Hence, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Lovepreet Singh @ Labba @ Navpreet Singh son of Jarnail 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 his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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

01.08.2023

JITESH

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