

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22705-2023
Date of decision:-20.09.2023

Lovepreet Singh @ Ravi

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
09	09.02.2021	Mehna, District Moga	307, 387, 34 IPC and Sections 25 and 27 of Arms Act

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Jashandeep Sharma alleging that on 09.02.2021 at about 5:30 p.m. when he was going in his car along with his uncle, Balwant Rai Sharma to purchase bricks for constructing a new house, two masked persons, who were riding a motorcycle fired upon them and sped away. He suspects that Rinku, Arashdeep Singh, Ramandeep Singh @ Raman, who are now residents of Canada, Jagjit Singh @ Jaggo, presently in

Australia, and Parvinder Kumar, who is in Italy are behind the firing incident as they have formed a group and extort money from innocent people by threatening them. Complaint's uncle is also a signatory to the complaint.

3. Counsel for the petitioner contends that the petitioner has not been named in the FIR nor any allegation has been levelled against him. It is his case that the petitioner, who is in custody in another criminal case, has been implicated on the basis of his self-incriminating statement. By making reference to the testimony of the complainant as well as his uncle, who have been examined as PW1 and PW2, respectively, Annexure P3 and P4, he submits that both the crucial witnesses have failed to identify the accused. Counsel asserts that although the petitioner is named in some other cases, but he has either been declared innocent or has been discharged. In particular by judgment dated 11.09.2023 passed in FIR No.62 dated 25.05.2021 lodged for offence under Sections 302, 201, 34, 120-B IPC at Police Station Badhni Kalan, Moga, it has been submitted that petitioner has been acquitted of the charges framed against him. Counsel asserts that as the petitioner is in custody since 10.07.2021, he deserves to be enlarged on bail.

4. Per contra, State counsel upon instructions and by making a reference to the status report, which has been placed on record, submits that the petitioner is accused of a serious offence. He submits that the complainant identified the petitioner as well as the co-accused, Ram Singh, during test identification parade. He submits that as the petitioner is a habitual offender, he does not deserve the concession of bail. He submits

that two out of twelve prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.
6. Concededly, there is no allegation against the petitioner in the FIR and he has been implicated on the basis of his statement recorded in police custody. Both the vital prosecution witnesses have been examined and they have categorically deposed that petitioner is not one of the assailants. Petitioner is in incarceration for the last more than 26 months. Ten more prosecution witnesses are to be examined and there is little possibility of an early conclusion of trial. Noticing the above circumstances, this Court is of the view that the petition deserves to be accepted.
7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

20.09.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No