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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35835-2023
Date of decision: 12.09.2023

LOVEJEET SINGH @ LOVE

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.90 dated 22.06.2015, under Sections 307, 353, 332, 225, 212, 216, 148, 149, 473 of the IPC and Section 25 of the Arms Act, registered at Police Station Civil Lines Batala, District Gurdaspur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 13.04.2023 and it is a case where the allegation qua the petitioner was that he had allegedly harboured the other co-accused who had got the person released from the custody of the police. He further submitted that even as per the affidavit filed by the State today, the role of the petitioner is only qua the offences under Sections 212 and 216 of the IPC and both the offences are

bailable offences. He further submitted that the petitioner was earlier not even aware of the FIR and had been residing in his own village and suddenly the petitioner has been arrested on the aforesaid date by the police but qua him the offences are only under Sections 212 and 216 of the IPC.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has filed short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division City Batala, Police District Batala along with the custody certificate of the petitioner in Court today and the same are taken on record. While referring to the said affidavit, he submitted that the role of the petitioner is only qua the offences under Sections 212 and 216 of the IPC since these Sections were added later on. He further submitted that as per the custody certificate filed, the petitioner is not involved in any other case.

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

5. The petitioner is in custody from 13.04.2023 and even as per the affidavit filed by the State, the role of the petitioner is only qua the offences under Sections 212 and 216 of the IPC and the petitioner is stated to be not a habitual offender and not involved in any other case. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

12.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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