

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

217

CRM-M-45172-2023 (O&M)

Date of Decision: 15.09.2023

RAM SINGH @ GAGGU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aminder Singh, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.122 dated 13.05.2020, registered under Section 302, 427, 148, 149, 120-B IPC; Section 201 IPC (added later on) and Section 25 of the Arms Act, at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner submits that a scuffle took place between the two groups, in which one Lovepreet Singh has died; that initially 13 persons were arraigned as accused and thereafter, in the supplementary statement of the complainant, 4 were further indicted; that, though the petitioner was named in the supplementary statement of the complainant, yet no specific role or injury has been attributed to him; that there are two set of allegations against the petitioner, one that he had accompanied his friend, namely, Lakhwinder Singh, who had called Lovepreet Singh (since deceased) at the place of occurrence and another that post the death of Lovepreet Singh, the petitioner has not informed the same to the family members of Lovepreet Singh.

Learned counsel for the petitioner further submits that the petitioner has been in custody for the last 3 years, 3 months and 28 days; that co-accused, namely, Lakhwinder Singh and 6-7 more, have since been granted the concession of regular bail by Coordinate Benches of this Court and that, as far as two other cases registered against the petitioner are concerned, he is on bail in those cases. He further submits that out of total 30 prosecution witnesses, only 7 have been examined so far and that no recovery was effected from the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the member of an unlawful assembly, who have committed murder of one Lovepreet Singh and that the petitioner had accompanied co-accused, namely, Lakhwinder Singh, who had intentionally called Lovepreet Singh at the place of occurrence, with an ulterior motive to commit his murder. He further submits that the material witnesses are yet to be examined and that the petitioner is a habitual offender and facing two more cases and thus, he be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 3 years, 3 months and 28 days. Petitioner was named in the supplementary statement of the complainant. No recovery was effected from the petitioner. Co-accused have already been enlarged on bail. No specific

role or injury has been attributed to the petitioner. The allegation against the petitioner is that he had accompanied Lakhwinder Singh, who had called Lovepreet Singh (since deceased) at the place of occurrence. Another allegation against the petitioner is that he had not informed regarding death of Lovepreet Singh to his family members. In other two cases, the petitioner is on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

15.09.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*