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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-51528-2022

Date of Decision: 03.08.2023

Lovepreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagat Vir Dhindsa, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Sukhwinder Singh Dhillon, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.213 dated 28.10.2019, under Sections 302 & 34 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib.

2. It has been submitted by learned counsel for the petitioner that the petitioner is a young boy of the age of 24 years and is in custody for more than 3 years and 9 months. He further submitted that now 4 out of 24 cited witnesses have been examined including the complainant. He also submitted that the material witnesses have already been examined and even otherwise also in the present case the prosecution story is based upon suspicion and last seen theory and it is all based upon the circumstantial evidence. He further submitted that the petitioner is having clean antecedents

and is not involved in any other case. He also submitted that considering the stage of the trial where even the complainant has already been examined and also considering the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that it is correct that the petitioner is in custody for 3 years and 9 months and 4 out of 24 witnesses have been examined including the complainant. He has however opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature.

4. Mr. Sukhwinder Singh Dhillon, Advocate has caused appearance on behalf of the complainant and submitted that dead body of the brother of the complainant was found with tied hands in the canal and he was killed by four persons including the present petitioner.

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

6. It is a case where the petitioner has already faced incarceration for more than 3 years and 9 months and 4 prosecution witnesses including the complainant have already been examined. The petitioner is stated to be not involved in any other case and has clean antecedents. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond

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

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No