

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.2668 of 2024 (O&M)
Date of decision : 24.01.2024**

Lovekiran Singh @ Lovekaran Singh @ Manga Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.117 dated 26.04.2023 registered under Sections 307/365/452/379 B (2), 148/149/506 IPC and Sections 25/27 Arms Act (Section 323/325 IPC added later on) at Police Station Division-B, Police Commissionerate District Amritsar, District Amritsar.

2 As per the contents of the FIR, it has been alleged as under :-

“Statement of Gautam Bhati son of Vaishno Onkar resident of House No. 8241/28 Gali No. 04 Guru Ramdas Nagar Sultanwind Road Amritsar Aged about 28 Years Mobile No. 98768-72700 stated that I am resident of above-said address and at Mahna Singh Road running a hotel Gopal inn on lease. Dated 25.04.2023 at about 11:50 PM I was present at hotel Gopal Inn, two persons after stopping splendor motorcycle outside hotel came inside hotel and did not talked with me and upon seeing me went out. Again both persons on dated 26.04.2023 at around 12-10 AM to 12-15 AM again came on motorcycle and after parking motorcycle outside came inside behind them one car verna colour white PB46-AF-9587

stopped in front of my hotel from which 5-6 persons with weapons came inside and I was sitting in the room on back side of ground floor of hotel, who upon coming started slapping me and took me out and among them, one of the person put pistol on my forehead and thrown me inside Verna car parked outside, to put me under fear they fired in the Air and with the intention to kill abducted me and took me to Tarn Taran side. They gave me beating near Tarn Taran and took video of me while beating and hit me with the Butt of weapon and cause me many injuries. After causing injuries to me they thrown me near Tarn Taran-Amritsar Bye-pass and threatened me that if I will tell anything at police station, they we fire gun shots at you. When they were beating me they snatched one gold chain I was wearing in my neck along-with pendant, one gold ring, gold keyring, goods of my hotel, and Rs.50000/- cash of my committee and one titan Watch. I requested auto rickshaw coming from back side to drop me at Amritsar Bye-pass then from the mobile phone of Auto Rickshaw Driver I called on mobile number of my father Onkar Vaishno they after beating they had thrown me and at this time I am near golden gate upon which my father and my brother Kunal brought me to you. The motive behind the occurrence is that on dated 14.04.2023 one manga and love named person came to my hotel to taken room without any ID Proof but I refused to give room without ID proof who then threatened me that they will see me and I can identify remaining person upon coming in front of me. I am responsible action be taken.”

3 Learned counsel for the petitioner submits that even if the FIR is taken on its face value the motive may have been attributed to the petitioner but it is not the case of the complainant that the petitioner was present on the spot. Apart from that he submits that Sajan Singh and Arshdeep Singh @ Malhi stand admitted to bail by this Court vide order dated 28.11.2023 passed in CRM-M-40758-2023 observing as under :-

“4. The prosecution claims that the reiki of the place was conducted by one Priya. They further claim that they received a secret information w.r.t. involvement of Sajan Singh in the occurrence. Sajan Singh on the basis of the said secret information was arrested who suffered disclosure and on the basis of the said disclosure the offence further travelled to the door of Arshdeep Singh @ Malli. It has been further contended by the State Counsel that both the accused were identified by the complainant after

having been produced before the concerned Magistrate.

5. Mr. Aggarwal submits that so far as petitioner Arshdeep Singh @ Malli is concerned the complainant himself has executed affidavit exculpating him in clear terms stating that Arshdeep Singh @ Malli was not involved in the crime.

6. Counsel appearing for the complainant admits that aforesaid fact w.r.t. execution of affidavit by the complainant.

7. So far as petitioner Sajan Singh is concerned, there is no dissemination of the source from where the secret information was received thus his disclosure that too while in police custody alone is a weak piece of evidence. Both the petitioners are behind bars from last more than 7 months (Sajan Singh) and 6 months & 9 days (Arshdeep Singh @ Malli). Investigation already stands concluded and challan stands presented.

8. After hearing rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.”

4 Custody certificate has been filed. The same is taken on record.

As per the custody certificate, the petitioner is behind bars for more than 8 months & 11 days. Challan stands presented.

5 Learned State counsel on instructions from is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No