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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16348-2024
Date of decision : 01.05.2024

LOVEPREET SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.196 dated 06.06.2021 registered for the offences punishable under Sections 302, 323, 324, 148, 149 of IPC, 1860 and Section 52 of the Prisons Act, 1894 at Police Station Islamabad, District Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR, it was alleged as under :
“xxx Today on 6.6.2021 I was on duty as Day Officer at about 12.50 p.m. in the afternoon I Bhagwant Singh Assistant Superintendent was on duty as Day Officer. The headcount of the persons from Sr. No. 1 to 4 was in room no. 1 of barrack no.5 and the persons mentioned at Sr. No. 1 to 4 and unknown persons went to room no. 6 of Barrack no. 5 and due to old grudge, suddenly attacked the persons at Sr. No. 5 to 7 with iron strips and one cutter

which was prepared from iron strip due to which the persons at sr. no. 5 to 7 suffered serious injuries. On hearing the noise of the fight I Bhagwant Singh and Bahadar Singh Asstt. Superintendent and Warder Harjinder Singh No. 2252, mobile no. 98786 40897 who was posted on duty immediately reached the spot and stopped the fight and immediately gave the information to the Jail Control Room on which the control room gave this information to the senior officers. Deputy Superintendent Shri Hemant Sharma, sent the injured persons at sr. no. 5 to 7 to the Jail Medical Officer on duty. The jail Medical Officer gave the first-aid to the injured persons and seeing the injured condition referred to the civil hospital Amritsar from where as per the Medical Officer, Civil Hospital, Amritsar a copy of the MIR will be provided within 3-4 days. In this manner, the persons mentioned at sr. no. 1 to 4 and some unknown persons have fought with the persons at sr. no. 5 to 7 and have seriously injured them and have violated the jail manual and have violated the peace and discipline of the jail and therefore action be taken against the persons at sr. no. 1 to 4 and some unknown persons for fighting in the jail and after taking action this office be informed regarding the action taken. xxx”

4. Counsel for the petitioner would contend that from the contents of the FIR, it is evident that petitioner was victim of the occurrence and was one of the injured(s). However, on the confessional statement made by one of the victim/accused, the petitioner has been nominated as co-accused.

5. Short reply by way of affidavit of Surinder Singh, PPS, Assistant Commissioner of Police, Central Amritsar has been filed, today in Court. The same is taken on record. The role of the petitioner has been spelled out therein as under :

“16. That it is submitted that on the basis of investigation carried out in the aforesaid case FIR No. 196/2021 (supra), it was revealed that the present petitioner Lovepreet Singh had stolen and mobile phone of the deceased Lakhwinder Singh @ Lakha Baba to

someone, due to which, Lakhwinder Singh @ Lakha had got hit slippers on head of the present petitioner Lovepreet Singh. Hence, present petitioner Lovepreet Singh was also having grudge against the deceased Lakhwinder Singh and the present petitioner Lovepreet Singh used to inform them about activities of the deceased Lakhwinder Singh @ Lakha. Therefore, due to the above said grudges, they all along with under trials Sukhpal Singh and Bikramjit Singh had caused injuries to the deceased Lakhwinder Singh @ Lakha Baba with iron sheets and cutter of iron sheets, which they had already prepared for this act only. They had caused injuries to Lakhwinder Singh @ Lakha with an intention to kill him. The present petitioner Lovepreet Singh had caught hold of Lakhwinder Singh @ Lakha from his backside, during which the present petitioner Lovepreet Singh had also sustained injuries.”

6. Counsel for the petitioner further submits that it is evident from the contents of the FIR that the petitioner was lodged in Room No.6 of the Barrack whereas the accused were lodged in Room No.1. Occurrence took place in Room No.6. Meaning thereby that it is only the persons mentioned at Serial No.1 to 4 in the FIR who were lodged in room no.1 who are the aggressors. Further submits that the petitioner was lodged in jail in FIR No.346/2020 dated 25th of December, 2020 registered for the offences punishable under Section 307/34 IPC and Section 25/27/54/59 of Arms Act, at Police Station Chatiwind and prior thereto has no criminal antecedents. In the said FIR, he already stands admitted to bail. Challan already stands presented and almost all the material witnesses including the complainant are official. 4 out of 28 cited witnesses stand examined by now and thus trial is not likely to conclude in the near future.

7. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
8. I have heard counsel for the parties and have gone through records of the case.
9. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 01, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No