

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

CRM-M-16180-2024

Decided On: 09.04.2024

LOVEPREET SINGH @ LABHU

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.271 dated 28.11.2022 under Sections 323, 307, 427, 451, 506, 148, 149 IPC registered at Police Station Haibowal, District Police Commissionerate Ludhiana.
2. Learned counsel for the petitioner *inter alia* contends that after the petitioner was arrested on 28.11.2022, challan was presented on 23.01.2023, however, till date even charges have not been framed and the case was being adjourned on each and every date. Learned counsel has submitted that even otherwise a perusal of the FIR in question, reveals that there is no specific injury attributed to the petitioner in the crime in question. Learned counsel has also submitted that the case of the petitioner is on a better footing than that of co-accused Gautam Mattu, who had since been extended the concession of bail by this Court vide order dated 06.10.2023 (Annexure P-1) as he had been attributed a sword blow on the hand of the injured Sumit. Learned counsel has further

submitted that since charges have not yet been framed and as many as 13 witnesses have been cited by the prosecution, there is no likelihood of the trial concluding in the near future and in the wake of repeated adjournments by the trial Court, he cannot be made to languish in custody.

3. Learned State counsel has produced the custody certificate of the petitioner in Court today, which is taken on record. Copy of the same has also been furnished to the counsel opposite.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has not disputed the stage of the trial and it has also not been disputed that the challan in the instant case was presented way back on 23.01.2023 and thereafter, the case had been repeatedly adjourned for framing of the charges. Learned State counsel has also not been able to controvert the submissions made by learned counsel for the petitioner qua there being no specific attribution with respect to the injuries inflicted by the petitioner on the person of injured Sumit. Learned State counsel has also not disputed that co-accused Gautam Mattu and Manjit Singh @ Meeta had been granted bail even though there were specific attributions against them in the FIR in question. However, it has been submitted that the reason, why co-accused Gautam Mattu had been granted the concession of bail, was on account of there being no medical corroboration to the ocular testimony.

5. On a pointed query put to the learned State counsel, as to who has been attributed the injury on the head of the injured Sumit, he, on instructions, has informed the Court that it has been attributed to the prime accused Harpreet Singh @ Bhinder, who is still behind bars.

6. I have heard learned counsel for the parties and perused the material placed on record.
7. The petitioner has been in custody since 28.11.2022; there is no likelihood of the trial concluding in the near future as charges have not yet been framed. As not disputed by learned State Counsel, there is no specific injury attributed to the petitioner on the person of injured Sumit.
8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
10. Needless to add here, in case, the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

09.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No