

LOVEPREET SINGH @ LOVE

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ritesh Pandey, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.
Mr. Azam Khan, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 105 dated 06.10.2023 registered under Sections 307, 452, 506 and 34 of IPC as well as Section 25 of Arms Act at P.S. Rangar Nangal, District Batala wherein, the petitioner has been implicated on the basis of supplementary statement made by the complainant which was recorded approximately one month after the date of occurrence.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who is stated to be involved in three more cases; one relating to Section 307 IPC as well. Learned State counsel also submits that the petitioner has been implicated on the basis of statement made by complainant-injured, having fired a gun-shot upon him and thus, he does not deserve concession of regular bail.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation already stands concluded with the filing of challan and petitioner is in custody for the past 4 months. Moreover, the implication of the petitioner is based on the supplementary statement made by injured-complainant which was recorded approximately one month after the date of incident and it needs to be scrutinized during trial. Besides it, in the aforesaid supplementary statement made by the complainant-injured, there is no other evidence to connect the petitioner with the offence in hand. As regards, the other cases against the petitioner, he is stated to be on bail. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

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

03.05.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No